NYPL RESEARCH LIBRARIES
3 3433 08181354 9

Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

http://www.archive.org/details/governmentofnort00youn

NOV 1 1952

Young
7- WNC

THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX
TILDEN FOUNDATIONS



The National Capitol, at Washington

GOVERNMENT OF NORTH DAKOTA AND THE NATION

BY

CLYDE L. YOUNG

CHAIRMAN NORTH DAKOTA CHILDREN'S CODE COMMISSION,
MEMBER OF THE BAR



AMERICAN BOOK COMPANY

NEW YORK CINCINNATI CHICAGO
BOSTON ATLANTA

THE NEW YORK
PUBLIC LIBRARY

758691

ASTOR, LENOX AND
TILDEN FOUNDATIONS
R 1. 2 L

COPYRIGHT, 1922, BY
AMERICAN BOOK COMPANY
All rights reserved

E. P. I.

MADE IN U. S. A.

PREFACE

We hold our citizenship too lightly. True, the process of governing is in the hands of our representatives, but they are representatives of our own choosing. If we are to have wisdom and justice in the council chamber these virtues must find their beginning in the electorate.

Contrary to much loose talk of our day, our government is not a democracy; it is a republic. But the republic was organized upon the theory that the supreme power rests in the people. They are the final authority in everything. The government, national or state, is their agent, having only such powers as they have delegated to it. If our political institutions, therefore, are to be stable and permanent, it is vital that the citizens of our country understand the fundamental principles upon which these institutions rest and the nature of the responsibility which each individual must share.

When the World War was upon us the thoughtful were amazed to find that among the millions of our people who had come to us from foreign shores there were many who had assumed American citizenship with no thought that henceforth their loyalty must be shifted, with no knowledge or appreciation of our form of government, and with no sense of the solemn responsibilities membership in it implies. And daily it is brought home to us that in spite of our vaunted school system pupils by the thousand are going out to become makers of government with not the slightest conception of the real meaning of "liberty" and "rights," and with little, if any, sense of national traditions. To such, each "right" means absence of limi-

tation in its exercise, and "liberty" is unrestrained action.

We must turn away from this policy of neglect. The great documents which define our ideas of the rights of men should be familiar to all. No finer definition of the ideals and purposes of government has been written than the Declaration of Independence. Though the constitution of the United States does not have the same popular appeal, there should be general interest in it also, for it is still in the making. For many years public opinion was being prepared for the Eighteenth Amendment, and when opinion was ready for it the change was made. The Nineteenth Amendment was prepared in 1875, and its adoption advocated until 1920, when it became a part of our fundamental law. So the process of change goes ever on. Our government itself *grew* out of centuries of struggle. It cannot be understood apart from the history lying back of it. This is why our citizens should know our national traditions and understand our institutions.

Too many have talked lightly of teaching the "spirit" of citizenship rather than "cold facts" regarding government. It is the belief of the author that a loyal, self-sacrificing Americanism cannot be developed without emphasis upon the facts concerning the history and mechanism of our government. The "spirit" of patriotic citizenship cannot be divorced from specific knowledge. To this end it has been the aim of this little volume to emphasize the sources of our present-day institutions, to define our rights with consideration of the limitations which are essential parts of them, to make clear the obligations of citizenship, and to give a comprehensive view of the mechanism and manifold activities of our government.

Clyde L. Young.

CONTENTS

PART I. GOVERNMENT AND THE RIGHTS OF CITIZENS

PAGE

CHAPTER I. WHAT GOVERNMENT IS 1

Our Part in Government. Rights Limited. Why Government Necessary. Government Defined. What the Government Does. Public Opinion. Democracy. Representative Government. Branches of Government. Constitutions. The Federal System.

CHAPTER II. CITIZENSHIP AND ITS DEVELOPMENT 12

Citizens. Aliens. Naturalization. Other Facts. Our Citizenship a Growth. The English Charters: American Bill of Rights. State Bill of Rights.

CHAPTER III. RIGHTS OF CITIZENS: CIVIL RIGHTS 21

Religious Liberty. All Religions Equal. Freedom of Speech and Press. Purpose of Free Speech and Press. Right of Assembly. Right of Petition. The Right to Keep and Bear Arms. Security of the Dwelling. Unreasonable Searches and Seizures. Right to Life, Liberty, and Property. Trial by Jury.

CHAPTER IV. RIGHTS OF PERSONS ACCUSED OF CRIME . . . 34

Indictment by Grand Jury. Witness Against Himself. Speedy and Public Trial. Trial by Impartial Jury. Nature of Accusation. Confronted with Witnesses. Compulsory Attendance. Assistance of Counsel. Excessive Bail Not Required. No Unusual Punishment. Involuntary Servitude. Bill of Attainder. Ex Post Facto Laws. Habeas Corpus.

CHAPTER V. RIGHTS OF PROPERTY 45

The Right to Have Property. Taking Private Property. Obligation of Contracts. Privileges and Immunities.

PAGE

CHAPTER VI. DUTIES OF CITIZENS 51

Importance of Duties. Study Principles of Government. Study Public Questions. Act Independently as Citizens. Exercise Privilege of Voting. Pay Taxes. Defend the Constitution. Self-Dependence. Obey the Law. Service of Country.

PART II. STATE AND LOCAL GOVERNMENT

CHAPTER VII. HISTORICAL SKETCH 62

Occupation of Territory by Indians. European Influence. Lewis and Clark Expedition. Territorial Political History. Settlement of Territory. Statehood. State Historical Society.

CHAPTER VIII. THE TOWNSHIP AND THE SCHOOL DISTRICT . 69

The Idea of Local Government. Origin of the Idea. Congressional Township. Organization and Powers. Township Meeting. Township Officers. Common School Districts. Officers and Powers. Special School Districts. Powers and Duties of Officers. Other Districts. Powers Common to All Districts.

CHAPTER IX. THE COUNTY 78

Origin and Purpose. Organization. County Commissioners. Other County Officials. County Finances.

CHAPTER X. MUNICIPAL GOVERNMENT 84

Villages: Why and How Organized. Functions: Powers and Officers. The City Problem. Organization and Functions of Cities. The City Council. Other Officers. Commission System. City Manager. Initiative, Referendum, and Recall.

CHAPTER XI. THE STATE GOVERNMENT: ITS ORIGIN, FUNCTIONS, AND CONSTITUTION 94

Origin. Powers and Duties. Functions of the State. The State Constitution. Amendments.

CHAPTER XII. THE STATE: LEGISLATIVE DEPARTMENT . . . 100

Branches of Legislature. Organization. Powers of the Legislature. The Making of a Law. Initiative and Referendum.

PAGE

CHAPTER XIII. THE STATE: EXECUTIVE DEPARTMENT . . . 107

The Governor. Other Elective Officers. State Boards. Appointive Officers and Boards. Criticism of Elective System and Remedies. Civil Service. Budget System. Short Ballot. Impeachment. Recall.

CHAPTER XIV. THE STATE: THE JUDICIAL DEPARTMENT . . 115

The Judicial System. Inferior Courts. County Courts. District Court. Supreme Court.

PART III. NATIONAL GOVERNMENT

CHAPTER XV. CONDITIONS LEADING TO INDEPENDENCE . . . 120

Colonists Inherited Rights of Englishmen. Colonial Conditions. Preparation for Union. Mistakes in Colonial Policy. The First Continental Congress. Second Continental Congress. Declaration of Independence.

CHAPTER XVI. MAKING THE CONSTITUTION 131

Preparation for the Constitution. Articles of Confederation. The Constitutional Convention. The Virginia Plan. The New Jersey Plan. Compromises. Checks and Balances. The Completed Document. Ratification. How Amended. Amendments Made.

CHAPTER XVII. THE CONGRESS 142

Organization. The Senate. The House of Representatives. Organization and Regulations. How Laws are Enacted. Powers of Congress. Impeachment.

CHAPTER XVIII. THE PRESIDENT 151

The Office. Qualifications and Term. Inauguration. Powers of the President.

CHAPTER XIX. THE EXECUTIVE DEPARTMENT. 158

The Cabinet. The State Department. The Treasury Department. War Department. Department of Justice. The Post Office Department. Navy Department. Interior Department. The Department of Agriculture. The Department of Commerce. Department of Labor. Other Administrative Bodies.

CHAPTER XX. JUDICIAL DEPARTMENT 173

Beginning and Growth. System of Courts. District Court. Other Inferior Courts. Circuit Court of Appeals. The Supreme Court. Cases Tried in Federal Courts.

PART IV. GOVERNMENT IN ACTION

PAGE

CHAPTER XXI. SELECTING PUBLIC OFFICERS 181

Methods of Selecting Public Officers. The Place of Political Parties. Primary Election System. The Campaign. Who Can Vote at Elections. How Voting is Done. Improvement in Selection of Officers.

CHAPTER XXII. OUR EDUCATIONAL SYSTEM 192

Necessity for Education of Citizens. The Idea of Free Public Schools. Common School System. Compulsory Education. Special Instruction. Evening Schools. The Teacher. Teacher Training. Other Institutions of Higher Learning. How Schools are Maintained. Special Schools. Supervision.

CHAPTER XXIII. PROCEEDINGS IN COURT 205

Kinds of Proceedings. Preliminary Examination. Bail. Information. Trial. Appeal. Petty Offenses. United States Courts. Extradition of Criminals. Habeas Corpus. Civil Cases.

CHAPTER XXIV. IMPROVEMENT OF ROADS 212

Roads in History. Importance of Good Roads. American Roads. Interest in Roads. Road Building by the Government. The Present System. Kinds of Road Construction. Road Maintenance. New Roads. Streets. Beautifying Roads and Streets.

CHAPTER XXV. PUBLIC HEALTH 222

Health and General Welfare. Boards of Health. United States Health Service. Contagious Diseases. Sanitation. Garbage Disposal. Drainage and Sewage. Pure Water Supply. Food Inspection. Instruction and Examination. Vital Statistics.

CHAPTER XXVI. OTHER PROTECTION OF THE PUBLIC . . . 234

Danger to Property and Life by Fire. Fire Protection. Police Protection. Traffic Regulations. Street Lighting. Life Saving Service. Inspection of Mines and Factories. Labor Regulations. Minimum Wage. Immigration.

CHAPTER XXVII. CARE OF DEPENDENTS, DELINQUENTS, AND OTHER UNFORTUNATES 243

Classes Provided For. Federal Agencies. Care of Dependent and Neglected Children. The Poor. The Delinquent. Other Unfortunates. Agencies for Improvement.

PAGE

CHAPTER XXVIII. OTHER ACTIVITIES FOR GENERAL WELFARE 249

Community Centers. Playgrounds. Parks. Beauty in Country Towns. Trees and Plants. How to Plant Trees. Public Libraries and Museums. Farmers' Institutes. Agricultural Fairs. Markets. Employment Bureaus. Experiments to Develop Resources.

CHAPTER XXIX. TAXATION 261

History of Taxation. Need of Taxes. Who Levies Taxes. What is Taxed. How the Amount of Tax is Determined. How Collected. Income Tax. Inheritance Tax. Poll Tax. License Taxes. Tariff and Internal Revenue. Other Taxes. Economy in Government.

CHAPTER XXX. REGULATION OF BUSINESS AND PUBLIC OWNERSHIP 270

Government Control of Business. Railroads. Interstate Commerce Commission. Public Management. Other Public Utilities. Municipal Ownership. Business Corporations. Insurance Business. Banking Business. Guaranty of Bank Deposits. Federal Reserve Banks. War Finance Corporation. Federal Farm Loan Banks. Building and Loan Associations. United States Shipping Board. Prevention of Trusts. Industries by the State.

CHAPTER XXXI. OUR RELATIONS WITH OTHER COUNTRIES . 278

Foreign Affairs. Treaties. Representatives of Nations. Consuls. Declaration of War. Arbitration. Disarmament. World Peace.

CHAPTER XXXII. SOME AFTER WORDS 284

Introductory. Faith in Government. Regard for the Oath. Respect for the Flag. Observe Patriotic Occasions.

BIBLIOGRAPHY 290

CONSTITUTION OF THE UNITED STATES (291) xiii

CONSTITUTION OF NORTH DAKOTA xxxi

INDEX lv

PART I. GOVERNMENT AND THE RIGHTS OF CITIZENS

CHAPTER I

WHAT GOVERNMENT IS

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.—PREAMBLE TO THE CONSTITUTION OF THE UNITED STATES.

Our Part in Government. It is a common thing to look upon government as a power quite apart from us. While it has authority over us and in many ways limits our actions, we have a voice in making it and giving it authority. We are touched by it at every turn, yet daily we unconsciously help to make it what it is. It is important, then, that we should understand what it really is, what its purposes are, how it accomplishes them, what we may rightfully expect of it, what it may rightfully expect of us, and how it may be made better. Many so-called ills would disappear if men and women and boys and girls of our country understood the

nature of government and how readily it responds to the wishes of those affected by it.

Life in Groups. Let us take a glance at the conditions which make government necessary. If a man were to live alone without relations of any kind with other men he would have no interest in government. He could do as he pleased for no one else would suffer by his acts. There would be no one to interfere with his liberty. He would need no rules as to the use of his property or the protection of his person. But men live in groups. In the beginning of history the principal group was the family, and later came the tribe. The groups with which we are familiar and which we shall study are the township, the school district, the village, the city, the county, the state, and the nation.

Each is familiar with the community in which he lives. This is a group bound together by the tie of interest in the same things. Each member in it knows by experience that the success and happiness of one depends upon the conditions and rules of conduct which will bring success and happiness to all.

Rights Limited. The welfare of each individual in a group depends in a large measure upon the welfare of all the other individuals in it. Each claims certain rights regarding his person and property, and protection in their enjoyment, but each neighbor claims and has the same rights, so each in exercising his rights must not do anything which will interfere with the enjoyment of the same rights by others. The good of all members in the community, therefore, is considered above the good of any one member only. No one has

as much liberty to act or as great freedom in dealing with his property as if those about him did not want and were not entitled to the same liberty and freedom that he has.

Why Government Necessary. If all men would claim only what they are entitled to there would be no problem of government, but in the eagerness to acquire property and enjoy life and liberty the individual is inclined to interfere with the rights of his fellow men. So experience early taught mankind that certain rules and regulations must be adopted to guide the individual in the exercise of his liberties, and certain men must be appointed to give force to these rules and regulations by requiring obedience to them.

A Body Politic. The group of individuals which adopts rules and regulations for the control of the group and its members is generally known as a body politic. Such a body is the township, or the village, or the city. The state is a larger community and all we have said about the small community applies to it. Our nation is a federation of states, so it too is a great political organization, which we shall discuss in later chapters. These political organizations or bodies which we have named are the means of government. Each is an agency through which the people comprising it secure their rights, privileges, and liberties.

Government Defined. Government may be defined as the institution by which those fundamental rules and principles necessary to enable men to live together are made and carried out. It is the means employed by the people to make themselves safe in the enjoyment of their

rights. While it is the exercise of authority by the supreme power in a state, this supreme power in our country really is the people. Government as we know it, then, is the regulation and protection of their rights, privileges, and liberties by the people to promote their own welfare.

We must not forget that all the rights we have are ours naturally and would be ours if there were no government at all. While all men have the same rights, there always have been some who would deprive others of the privileges and advantages to which they naturally are entitled. To prevent oppression in any form and to secure to us all the blessings of liberty, our government was formed. It was organized for this purpose by the people, and it has those powers only which the people have chosen to give to it. The rights we have are not the creatures of the government, but the government was devised to assure enjoyment of the rights.

What the Government Does. The purpose of government is to protect man's rights and promote the welfare of the members of a body politic by regulating the actions of men in their relations with each other so they can live peaceably and profitably together. To achieve this purpose the government must do many things. One of the most important things it has to do is to make the rules and regulations called laws. We shall see later how these laws are made.

Through these laws and officers chosen to give them effect the government keeps order. It punishes those who commit crimes; it provides public schools; it cares for the poor and the unfortunate; it supervises the pub-

lic health; it regulates commerce; it levies and collects taxes; it prescribes the conditions under which certain occupations may be followed; it provides for national defense by building battleships and maintaining armies; it declares war and makes treaties with foreign nations; it does many other things, all with the purpose of safeguarding men in the enjoyment of the rights and liberties to which they are entitled.

Government by the People. It has been said that we have a government by the people because the people determine the nature of their government and select those who carry on its affairs. It is within their power to select officers who will represent them in making and enforcing laws. In many states now they may vote directly for or against proposed laws. The will of the majority in an election is accepted as authority until another election is held. Ours has been called a government by majorities.

All the people may share in making and maintaining the government, and by the people is meant all men and women of voting age who claim the protection of the government. Each individual is entirely free to express his will by ballot without direction from any one. In expressing his wishes by ballot the individual plays an important part in governing himself and his fellow men.

Public Opinion. Because of this part which each one has in selecting the officers who make and enforce laws, there is general interest in public questions. Voters think about them and form opinions concerning them. These are discussed in conversation and in newspapers, and what is called public opinion results. All who have

the protection of the government, even those who do not have the right to vote, help to form opinions upon public questions. They have just as much of an interest in the regulations made and their enforcement as the voters. This opinion of the people has a great influence upon the officers who have been given authority to act for them in doing the actual work of governing. It is a question whether the people do not exert more power through public opinion than they do by their votes.

Democracy. It is said that our government is a democracy. We have seen that it is a government by the people, and such a government is democratic in its spirit at least. But it is not a pure democracy, for a pure democracy is one in which all people qualified to vote meet in a body and take part individually in making laws. Such governments existed in the states of ancient Greece. In each of those democratic states the citizens assembled in one place and discussed public questions and voted upon them. The town meeting in some parts of our country is the only real democracy existing in our government. It would of course be impossible to have our state or national laws made in this way because of the large areas and the great number of voters.

Representative Government. To make our government as democratic as possible the people choose representatives to act for them in lawmaking bodies, and these representatives make the laws for all the people they represent. A few men, therefore, do the actual work of lawmaking for a large number of people, and the laws they enact are received and treated the same

as though all of the people had assembled in one place and made them. Other representatives enforce the laws so made, and still others interpret them.

All power to govern is vested in the people, but they exercise that power through the representatives they choose for that purpose. For this reason our government is sometimes called a representative democracy. It in fact is a *republic,* for a republic is a state which derives all its powers directly or indirectly from the people, these powers being exercised by the people's representatives, who are chosen by ballot for a limited period.

The people in many states, and this is true of North Dakota, have provided that by vote of the people they may reject a law which their representatives have enacted and which does not meet favor. This provision is called the referendum. It is also provided in this state, and in some other states, that the people may propose the enactment of a law and by their vote adopt it. This is the initiative. These schemes are devised so that people can exercise their legislative powers directly if they so wish, and depart very clearly from the idea of representative government.

Branches of Government. To make our system of government by representatives efficient the government of the United States and of each of the states is divided into three branches or departments. The representatives of the people having the power to make laws, or to legislate, constitute the legislative department. In the national government this department is called congress, while in the state it is the legislature. The representatives chosen to execute or enforce the laws which

the legislature has enacted comprise the executive department and are known as executive officers, and the other representatives who interpret the laws constitute the judicial department and are known as the courts.

The power of public opinion is such that it has a very strong, direct, and constant influence, especially upon the legislative and executive officers. Terms of office are short so that, if desirable, changes can be made and representatives chosen from time to time to represent the views of the majority choosing them. In spite of the representative nature of our government, therefore, it is the will of the people which finds expression in our laws and in the policies of administration.

Constitutions. The constitution of the United States is the fundamental law of the nation, and the constitution of a state is its fundamental law. The purpose of a written constitution is to make the government permanent. The process of amendment is slow and somewhat difficult so as to prevent hasty change. The constitution of the United States is the most notable of the world's written constitutions, and in later chapters we shall consider it fully.

The states, like the United States, have each adopted a written constitution. Great Britain has what is known as an unwritten constitution and under it a government by the people is most successfully maintained.

The Federal System. In our country there are forty-eight separate state governments. These are bound together into one great federation or union by the federal constitution. The citizens or members of each state government also are citizens or members of the national

government. Each state has a complete government of its own, yet plays a part in the national organization. State and union work independently of each other, yet there is entire coöperation and harmony between the two. This is known as the federal system.

The state governments provide for the organization of the local governments and make laws relating to the protection of life and property, the maintenance of good order in society, education, business relations, family relations, the transfer of property, the organization of corporations, the settlement of estates, the care of the dependent, the qualifications of voters, and all other local and state interests. They have their own executive and judicial officers who are concerned solely with the administration of state laws.



THE GREAT SEAL OF THE STATE OF NORTH DAKOTA

The national government, on the other hand, deals with matters of national concern, such as maintaining an army and navy, relations with foreign nations, admission of new states into the union, commerce between the states and with foreign nations, coinage of money, and the carrying of mail. It also legislates upon such subjects as patents, bankruptcy, naturalization, and other matters in which national uniformity seems necessary. Further, the national government guarantees to each

state a representative form of government and protects the states against invasion and rebellion.

Local Government. We also are members of other political organizations which are subdivisions of the state through which it carries on many of its governing functions. These are the county, township, city, village, and school district organizations, and are known as local governments.

SUPPLEMENTARY NOTES AND STUDIES

1. The following should be carefully considered:

"A government for the people must depend for its success on the intelligence, the morality, the justice, and the interests of the people themselves."—Grover Cleveland. "The proper function of a government is to make it easy for people to do good and difficult for them to do evil."—Gladstone. "Government is authority with power to enforce its laws."—Washington. "All good government must begin in the home. It is useless to make good laws for bad people. Public sentiment is more than law."—Haweis.

2. Define the following: Despotism. Monarchy. Empire. Anarchy. Soviet. Oligarchy. Aristocracy.

3. Name some other nations having a republican form of government.

4. Name some monarchies in which the people govern.

5. Is there any reason under our system of government why any class should control or try to control the government?

6. What things in your community are done by the national government?

7. In your opinion which is the best form of government? Why?

8. Is the American form of government necessarily the best for Russia? Why? For Great Britain? Why?

9. Do you think it proper to speak of the president of the United States as a ruler? Why?

10. Why must the people in a democracy be intelligent?

11. Has public opinion as great force in Persia as in the United States? Why?

12. Do you think that with our present strong feeling of nationality it would be wise to abolish the federal system and centralize our government? Give reasons.

13. Name five things which the state government does in your community.

14. Name some things which you think either the national or state government should do in your community, and give your reasons.

15. In what particulars does our government differ from the Canadian government?

16. Investigate the local governments of Canada and compare with our own.

17. Investigate the Mexican system of government and compare it with our own.

18. In what respects is Mexico not a typical republic?

19. Explain how Cuba is governed.

20. Do you think it possible to make the United States a true democracy? Why?

CHAPTER II

CITIZENSHIP AND ITS DEVELOPMENT

Citizens. We have considered political organizations and have seen that a body politic may be a city, a state, or a nation. The members of such a body are citizens. A citizen is entitled to protection in the exercise and enjoyment of all his rights, and in exchange for this protection must do what his government requires of him.

Originally a citizen was one having the privileges and freedom of a city. In modern times the term is applied only in states or nations where the people have much the same rights and privileges that citizens of ancient cities had. The term is used only in democracies or republics where the people control the government themselves or take part in it. The people living under a government where they submit to the will of rulers are called *subjects* and not *citizens*.

Aliens. Any person who was born in the United States is a citizen of the United States though his parents may not have been citizens at the time of his birth, if he was subject to the jurisdiction, that is, control, of the United States. This means that all children born within the United States, of whatever race, color, or nationality, are citizens because of their birth here, unless they are the children of foreign rulers or of the

ministers of foreign countries sent to the United States, or of any enemies within the borders of our country during a hostile occupation of a part of our territory, or unless they were born on foreign public ships. Persons who are living here and who were not born in the United States under such conditions that their birth here makes them citizens, are, for a time at least, aliens. We generally speak of them as foreigners because they are citizens of another country. They do not have the privileges which citizens enjoy. The different states in this country have different laws regarding the rights of aliens. In some states they cannot own land, while in others they may do so. In most states they do not have the right to vote, although a few of the states still give them the privilege of voting if they have resided within the state for a certain time and have declared their intention to become citizens. Whatever rights are given to aliens are granted as a matter of courtesy or are secured to them by treaties, while the privileges enjoyed by citizens are theirs as a matter of right because they are citizens.

Naturalization. The constitution of the United States provides that the congress shall have power "to establish an uniform rule of naturalization" throughout the United States. If a person is not a citizen by birth he may become a citizen by naturalization, unless he belongs to one of the classes denied naturalization. This is a process through which an alien must go before he is entitled to the rights and privileges of citizenship. The following are the successive steps in the process of naturalization :—

1. An alien who wants to become a citizen goes to a clerk of court, usually the clerk of a circuit or district court of a state, and declares his intention to become a citizen. This is called his declaration of intention.

2. Not less than two nor more than seven years after the declaration of intention the alien must make a petition for citizenship and appear before a judge for examination to complete his naturalization. At this time he must have resided in the United States at least five years and in the state where he appears in court at least one year.

3. If upon examination the court is satisfied that the alien can speak and understand the English language, and that he is a person of good moral character and is otherwise qualified, he may be admitted to citizenship and fully naturalized.

4. His naturalization is completed by taking an oath renouncing all further allegiance to any foreign prince, potentate, and power, and especially to the country or foreign state of which he was a citizen or subject, and renouncing all foreign titles or orders of nobility, and by taking an oath to support the constitution of the United States.

5. Upon taking this oath he is declared to be a citizen and there is issued to him by the court a final naturalization paper certifying that he has been declared a citizen of the United States.

Upon completion of this process he has all of the rights and privileges which are enjoyed by a citizen born in the United States, except that he may never be elected president or vice president.

Only free white persons, those of African nativity, and those of African descent, can be naturalized. This bars all who do not belong to the white or African races. A special act excludes the Chinese, but as they are not white persons they could not be naturalized anyway. The following persons are, for obvious reasons, not permitted to enter our country at all: people afflicted with contagious diseases, laborers under contract except skilled workers in a new industry, polygamists, Chinese laborers, insane persons, those physically or mentally defective, paupers, anarchists, criminals, immoral women, and alien enemies.

Other Facts. People living in a foreign territory become naturalized when such territory is acquired by the United States and made a part thereof. The people living in Louisiana, Florida, and Texas, at the time of their acquisition, were made citizens in this way. Those residing within a territory are naturalized by the admission of that territory to the union as a state. A woman becomes a citizen of the United States by marriage to a citizen, and the naturalization of a husband makes his wife a citizen, if she herself could be lawfully naturalized. If a woman who is an American citizen marries an alien she loses her citizenship.

Children under the age of twenty-one years become citizens by the naturalization of their parents. Children born to citizens of this country who are in foreign countries only temporarily, are citizens. The naturalization of an alien makes him a citizen of the state in which he is admitted as well as of the United States. Citizenship is lost by deserting from military or naval service and

by naturalization in a foreign country, and under certain other conditions.

Our Citizenship a Growth. We have seen that government in this country is organized by the people to protect their rights and privileges as citizens. This is what makes American citizenship so greatly prized and has had much to do in bringing so many foreigners to our land. It is important at the outset to understand what these protected rights and privileges are. Sometimes they are said to be natural rights, that is, rights which express ideas of natural right or justice. Independence from Great Britain was proclaimed because the colonists thought that the British government was depriving them of these rights, which they claimed not only by natural justice but by the law of the land.

There had been a long struggle in English history on the part of the people to have these rights recognized by the government. They were mentioned in certain great charters or documents, which the colonists looked upon as charters of liberty and which showed a gradual development of the power of the people.

The English Charters. Over seven hundred years ago King John of England oppressed the people so much in his despotic reign that they forced him to declare certain of the ancient rights and privileges claimed by them as Englishmen in what is known as the Great Charter or the Magna Charta. Along with other things this protected the people against imprisonment, punishment, or death unless ordered by a jury of their own number or the law of the land. They also were given some rights regarding taxation.

About four hundred years later, in 1628, the king of England in the Petition of Right reaffirmed the Magna Charta, and fully recognized the rights contended for, and consented that no one should be compelled to pay benevolences, gifts, or taxes to support the government unless this was required by an act of parliament; that soldiers should not be billeted upon the people without payment; that no freeman should be imprisoned merely on command of the king; and that there should be no martial law in times of peace. A few years later parliament passed the Habeas Corpus Act so any persons who were unlawfully imprisoned or held by officers could be liberated.

From year to year the rights of the people of England were more and more recognized by its rulers, and in 1689 the parliament passed an act known as the Bill of Rights, which again affirmed the rights claimed by the people and declared that the king did not have the power to suspend the laws; that taxes could be levied only by act of parliament; that standing armies could not be raised or kept in times of peace without the consent of parliament; that the people had the right to bear arms and to petition the king; that excessive bail could not be required in case of arrest; that excessive fines could not be imposed, nor unusual punishment inflicted; that juries should be chosen without partiality; and that parliament should be held frequently.

American Bill of Rights. The people of the colonies in large part had English ancestors. They knew the rights which were secured by the English charters, and these were referred to in the Declaration of Independ-

ence as "unalienable." By this expression it was meant that they are rights which cannot be surrendered. About the time independence was declared certain state constitutions were adopted by the colonists and in nearly all of these the rights which the colonists claimed were named.

Later a federation of the states was proposed and the constitution which we shall study later was framed. When this constitution was proposed every one thought that the rights of person and property, which had been mentioned in the Declaration of Independence and the various state constitutions, were so well understood by every one that all of the people, including their representatives who held the offices to which they were elected, would not interfere with them.

The constitution which was proposed gave to the government only the powers which were named in it. No power was given to deprive a citizen of any of his rights, so it was thought unnecessary to prohibit interference with them. Many people feared, however, that their officers might grow as oppressive as the British kings and colonial governors had been, so some colonies ratified the constitution on condition that amendments should be adopted which would enumerate the fundamental rights of person and property and prohibit the government from interfering with them.

In 1791 the first ten amendments to the constitution were adopted and these we now know as the American Bill of Rights, although later certain other rights which we treasure were recognized in other amendments. It was not intended that these amendments should lay down

any new principles of government. They simply stated the principles that the people of the colonies asserted when they separated from Great Britain, to make sure that the new government would not prove so oppressive as the old. The substance of these amendments is the same as that of the English Bill of Rights which has been described.

State Bill of Rights. These amendments prohibit the national government from depriving the people of the rights mentioned in the amendments. They do not make it unlawful for the states to interfere with these rights. Nearly all of the states, however, have adopted similar provisions in their constitutions which also make it unlawful for the states to interfere with these rights. In some of the state constitutions these provisions are called the Bill of Rights, and in others the Declaration of Rights. In the constitution of North Dakota the latter term is used.

The state Bill of Rights or Declaration of Rights restricts the state legislature and state officers from interfering with these rights, just the same as the amendments to the federal constitution restrict congress and the executive and judicial officers of the United States from interfering with them. We shall now turn our attention to a study of some of these rights.

SUPPLEMENTARY NOTES AND STUDIES

1. Do you think there should be educational qualifications for the naturalization of aliens? Why?
2. Write your views of the provision that Chinese cannot become citizens and give reasons for them.
3. Do you think there should be schools of citizenship which aliens should be required to attend before they are admitted?

4. If any pupil can secure a final citizenship paper have it brought into the class for examination.

5. Is it possible to have true liberty in this country unless each citizen respects the rights of every other citizen?

6. Was it necessary to have the rights of citizens put into permanent form by amending the constitution? If not, was it wise to do so? Why?

7. Read the Magna Charta, the Petition of Right, and the Bill of Rights and notice how each adds to the rights recognized by the former charter.

8. Read the story of the manner in which the Magna Charta was procured from King John.

9. What was the Declaration of Right preceding the Bill of Rights?

CHAPTER III

RIGHTS OF CITIZENS: CIVIL RIGHTS

I believe in the United States of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.—THE AMERICAN'S CREED, by William Tyler Page.

Religious Liberty. The very first provision in the national Bill of Rights says that "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof." The constitution as first adopted says that "no religious test shall ever be required as a qualification to any office of public trust under the United States." The constitution of every state in the union has similar provisions, so that now all citizens of the United States are protected in the enjoyment of what we call religious liberty, both by the nation and by the several states in which they live.

Ours was the first nation to give to its people absolute right to worship God as conscience dictates. Before these provisions were adopted each of the nations in the world had a state church. In some those who did not accept the teachings of the state church were punished by death. When you come to study the history of the world you will find that in those countries great numbers of people were put to death because they insisted upon the right to believe as conscience told them, and to worship in accordance with their belief.

You remember that the American colonies were settled originally by people who in some part sought religious liberty. They were so accustomed to an established church that a state church was set up in many of the colonies and the inhabitants of these colonies were severely punished if they did not conform to this church. In fact this was true at one time or another of most of the colonies. The first one which freely tolerated all religious beliefs was Maryland.

All Religions Equal. When the colonists began to protest against the tyranny of the mother country they broke away more and more from the established churches of their colonies. They refused to be controlled in their religious beliefs just the same as they refused to be controlled politically. In 1774 the Colonial Congress declared that all old religious jealousies were "low-minded infirmities." Before the constitution was adopted most of the colonies, under the leadership of Virginia and Rhode Island, had provided for complete religious freedom, so it was entirely natural that our constitution should secure religious freedom.

Now each citizen may believe as he wishes and belong to whatever church he desires. He is entirely free in his thought upon religious subjects. All religions are equally respected by the law. One denomination or church or religion is not favored at the expense of others. Neither are any of us compelled by law to support any church or religion by taxation, or otherwise.

It would be a mistake, however, for you to get the idea that religion is entirely disregarded by our government. One may not go so far in the exercise of this right as to injure the public health or public morals or the general welfare of the people. The government recognizes that most of the American people are Christian and that this is a Christian nation, so it is customary to have the meetings of the legislative bodies and the houses of congress open with prayer. The president and the governors of the states set apart a day each year for thanksgiving. Chaplains are appointed in the army and navy.

Sunday is set apart by the laws of the different states as a day of rest on which business shall not be transacted. Profane swearing and blasphemy are prohibited. One may not violate the law because it does not agree with his religious belief. There are some who believe in polygamy but this practice is contrary to law. These regulations are not made to interfere with religious liberty but because they are found necessary to protect the morals and welfare of our people and for the order and peace of society. But wherever you find such regulations you will see that they apply equally to all religious sects.

Freedom of Speech and Press. The national Bill of Rights provides that congress shall make no law

"abridging the freedom of speech or of the press." The Bill of Rights of practically every state has the same provision as to the power of the legislature. In despotic governments in Europe efforts were made by rulers to keep their subjects from knowing about their rights. In our country they are entitled to know them. There is no censorship, that is, no restraint or control by the government, of the press in times of peace.

In time of war, however, control may be exercised over writings and utterances, and in the recent war we had a law to punish those who uttered or wrote or published anything which interfered with carrying on the war successfully; but generally each citizen is free to speak or write whatever he chooses. He is, however, responsible for any abuse of the right. That is, one is not given protection in every possible use of language. The right is abused where the words used are of such nature as to create a clear and present danger that they will bring about some of the very evils that congress has a right to prevent. A person must remember that if he publishes anything which injures the public morals or the good name of an individual, punishment in some form may follow.

Purpose of Free Speech and Press. It is intended that we shall have the utmost freedom to discuss public affairs so that people may protect their liberties. The great use of both free speech and a free press before independence was declared, was to discuss public questions and tell the colonists of the wrongs done to them by the government. They were used to give the people knowledge of the truths which the Declaration of Independence

said are self-evident and to give them an understanding of the ideas necessary to make them resist oppression, and played a large part in bringing about the change. For this reason it was deemed important to have the right fully protected.

Limits on Freedom of Speech and Press. When untrue statements which injure another's property rights or his good name are made by word of mouth they are called slander. In most cases this is not a crime, but the person injured may sue for damages for his injury. Spoken words may harm the public also if they are blasphemous or obscene, and if they disturb the public peace, and in such cases their utterance can be punished as a crime.

When the words which injure are written or in the form of pictures they are known as libel. In some cases libel is a crime. In many instances the person responsible for it can be compelled to pay damages. So you see, while we apparently are free to say or write what we please we can be punished if we have wronged or injured either the public or some person by what we have done.

In the enjoyment of the right we find that there are limits beyond which we dare not go without suffering for it. Otherwise great wrong could be done to others or the government with no way of preventing its repetition. The great purpose of the right can be accomplished without injury to any one.

Right of Assembly. In an earlier chapter we considered how our government is formed by the opinion of the people. Public sentiment about the needs of the people and the character of their government can grow only

through discussion. Whenever in history the people have suffered from the tyranny of their rulers they have found it desirable to meet together to talk over their grievances and to protest against them and ask for relief.

The right to assemble for religious, social, and political purposes is important. It was a right protected by the original English Bill of Rights. The right always was important, but it is especially so in the United States because we have a government by the people.

Our representatives should express the reasonable wishes of the people in the laws which they enact, and in order that the wishes of the people may be known the people themselves must be able to discuss their needs and decide upon their wishes.

Assemblies called for unlawful purposes or which cause public disturbances may be suppressed. It is the right of *peaceable* assembly which is protected, and while the Bill of Rights is only the promise of the federal government that it will not interfere with the right, our state constitution and all other state constitutions give us the same promise.

Right of Petition. Both state and federal constitutions also preserve the right of petition to the government for a redress of grievances. This has reference to political grievances, for grievances in social and religious matters would not require a guaranty. A petition for redress is a request to officers or legislative bodies for changes in the law, or in its administration, which will promote the welfare of the people and give them greater enjoyment in their persons and property. Such a petition must not be malicious but it must be circulated and presented to the

officers in good faith. This does not give citizens the right to use violence upon officers or to interfere with any of their proceedings.

The Right to Keep and Bear Arms. Our national Bill of Rights declares that "a well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Our state constitutions have similar provisions. This language means that the people from whom the militia is organized have the right without interference to keep and bear such arms as are suitable to protect and defend against invasion and oppression, that is, such arms as generally are used in warfare.

There have been times in history when homes have been searched for arms and the people deprived of them. The rulers overthrown in England in 1689 had disarmed their subjects and in answer to the protest against this the new rulers in the Bill of Rights permitted certain subjects to have arms for their defense "suitable to their conditions and as allowed by law."

In this country the right is not created by the constitution but the constitution recognizes its existence and prohibits interference with it by the national government. The people thus may maintain a militia and protect themselves and their property against the use of arbitrary power by the government or against a foreign foe so as to make standing armies unnecessary.

The real object is to assure public peace and safety, so, in spite of the constitutional provision, the legislature has barred the carrying of concealed weapons by private individuals, for two reasons: first, they so readily lead to

encounters between individuals and thus endanger the good order and safety which are intended to be secured, and second, weapons ordinarily concealed are not such as generally are used in warfare. Officers are permitted to carry them.

Security of the Dwelling. Another provision is that "no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law." One of the complaints made by the colonists against the British government was that it kept among the people in times of peace large bodies of troops to whom they were required to furnish supplies.

These soldiers who were kept ready for war expected food and shelter from the people. This was a constant annoyance and the quiet of the home was likely to be broken at any time by the demands of soldiers, to whom was furnished what was demanded because they represented a great military power. In this way the property of the people frequently was taken without compensation. This was so burdensome that the people protested against the practice. The grievance was fresh in their minds when the Declaration of Independence was made, and when the constitution was adopted a few years later it was thought best to have a written guaranty against repetition of such oppression. Now in times of peace soldiers may be denied admission to a home by the owner, and in times of war they may be quartered there only in a manner fixed by law.

Unreasonable Searches and Seizures. The people of England and the colonies had the privacy of their

homes invaded not only by the quartering of soldiers but by searches made in efforts to find criminals or stolen property. Sometimes this was done by private citizens and sometimes by officers. One complaint was regarding searches to secure evidence of political offenses. Even in those days it was commonly said that "every man's house is his castle." This means that one may close the door of his home and continue his privacy in it both against other individuals and against the officers of the law unless they secure lawful authority to enter. There may be proper occasion to invade private homes and to search them, to enforce the law, but not to pry into private affairs.

The people, when they came to adopt the Bill of Rights, wanted it to make plain the conditions under which a search might be made lawfully. This was the reason for adopting this provision: "The right of the people to be secure in their persons, houses, papers, and effects against unlawful searches and seizures shall not be violated and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." And the state gives us the same right.

So one's house, or his person, or papers, or property may not be searched unless a warrant is first issued by a court or magistrate who has the power to grant it. A warrant is a paper which orders an officer to search a building, person, or property, or to arrest a person, and it may not be issued by a magistrate unless some one appears before him and makes a statement under oath from which it appears that there is reasonable cause to believe that the criminal or evidence desired may be found if a search is

made. The place to be searched and the persons or things to be seized must be described so clearly that the officer who has the warrant will be safely guided by it.

If the home or property is invaded and searched without a warrant the person making the search is liable to punishment. The search warrant is used most frequently to locate stolen property or property brought into the country in violation of the revenue laws, or gambling implements, or liquors unlawfully imported or made, and to locate the evidence of crime or the criminals themselves.

A lawful invasion of one's property may be made without a warrant, to arrest a criminal known to be there, or to prevent a crime, and in extreme cases to enforce health or other police regulations. But even then the person who makes such an entry does it at the risk of being mistaken in his right. So generally the owner may close his door and defend his home and property against search and seizure until a proper warrant is presented.

Right to Life, Liberty, and Property. "No person shall be deprived of life, liberty, or property without due process of law." This provision applies to both federal and state governments, and a state may not deny to any person within its jurisdiction the equal protection of the law. These provisions can be traced back to the Magna Charta, and now we can find the substance of them in all of our state constitutions.

These rights really include every right to which a citizen is entitled, such as the right of self-defense, freedom of speech, freedom of worship, and the right to contract and acquire property. One's life may not be taken without due process of law. Our liberty is protected in the same way.

By liberty we mean the right to exist and be free to use our faculties in lawful ways; to live and work where we will; to earn our livelihood by any lawful calling and to do those things which ordinarily are done by free men.

The right to liberty does not leave us free, however, to do absolutely what we will, for what we do must be done so that others are not injured in any way. The common welfare comes first and makes some restraint necessary. Arbitrary restraint is prohibited but our liberty is properly controlled by just and impartial regulations and laws such as affect the safety, health, and moral and general welfare of the public. If each were a law unto himself we should have anarchy. We must part with privileges for the good of all people. This is the purpose of quarantine laws, food regulations, compulsory military service, and many other regulations which seem to interfere with our liberties but which in fact promote the safety and welfare of the people generally.

We are protected in the right of property also. This is the right to acquire and possess and enjoy particular things and objects in such a way that others having equal rights may have equal enjoyment of their rights, and that the demands of the government may be met.

The important part of the protection given to us in the enjoyment of these rights is that they may not be taken away from us except by "due process of law." This is not an easy term to define but generally it means law as administered through the courts according to the rules and forms which have been established to protect private rights. It protects us against arbitrary or oppressive action by the government.

A man cannot be condemned nor his property taken away without notice that it is proposed to condemn him or to take his property, nor without an opportunity to appear before a court or officer to defend his rights. The most important elements of "due process" are notice and an opportunity to be heard. The equal protection of the law means that all persons in like circumstances are equal before the law. This carries out the idea in the Declaration of Independence that all men are created equal.

Trial by Jury. In suits at common law in the federal courts, where the amount in controversy is over twenty dollars, there is the right to a trial by a jury and when a suit has been decided by a jury it cannot be examined again in any court of the United States, except according to the rules of the common law. This is a provision of our Bill of Rights, and all the state constitutions have similar provisions. This gives the right to trial by jury in nearly all cases, except certain cases which are called suits in equity. The right to trial by jury existed for many years before the colonies became independent. Instead of letting a judge decide the controversy in a lawsuit, twelve persons from the different walks of life are chosen to hear the stories of the witnesses who are brought into court by each party, and when the witnesses have all testified the jury decides the case.

Many centuries ago, before juries were known, there was complaint that decisions were sold by the judges. This led to great wrongs and deprived many people of justice altogether. Finally the right to have the neighbors of the parties, men engaged in common occupations, to act as jurors, who really are judges as to the facts intro-

duced, was granted, and ever since it has been claimed by Englishmen as one of their rights, and is one of the "unalienable" rights claimed by the colonists in the Declaration of Independence.

SUPPLEMENTARY NOTES AND STUDIES

1. It will be very profitable to read some reliable history, such as Green's "Short History of the English People," to get an idea of the growth of the rights of the English people in their great charters of liberty.

2. What rights which we have been studying were mentioned in the Declaration of Independence? Why are these called "unalienable"?

3. In which colonies did the people enjoy religious liberty from the beginning?

4. Can one citizen enjoy liberty if he does not respect the rights of other citizens? Why?

5. Is it wise to exempt property used for religious purposes from taxation? Why?

6. Were the amendments to the constitution which we have been studying really necessary? Why?

7. If our state constitution did not contain the Declaration of Rights, could our state government pass and enforce a law requiring us to belong to some particular church and support it? Why?

8. Let it be emphasized time and again that the Bill of Rights means a list of those rights and privileges which cannot be taken from us by law. The citizens may exercise these rights without interference by the national government or the state government. They are protected against encroachment by congress through the first ten amendments to the federal constitution, and against violations by the legislature by the Declaration of Rights in the state constitutions. It should always be kept in mind that this protection against oppression is for us. It is not for people far away, nor for those who are educated, nor for the rich or the poor, nor for any class, nor for the people in any particular place. It is for all American citizens, that is, for each of us. And the restraint on congress and on the legislature protects us here and now—to-day. But it must be remembered also that a right has its limits beyond which one may not go. It does not give one permission to act without restraint. And the limitation is a part of the right.

CHAPTER IV

RIGHTS OF PERSONS ACCUSED OF CRIME

Indictment by Grand Jury. An amendment to the federal constitution says: "No person shall be held to answer for a capital or other infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger." A grand jury is a body of not less than twelve nor more than twenty-three persons selected from the citizens of the district in which they sit to hear the evidence brought in by the prosecuting officer, and from what is laid before them they decide whether the person accused should be placed on trial on the charge.

The defendant does not attend the meeting and neither do any of the witnesses for him. If a majority of the members of the grand jury decide that the evidence is such that the accused should be placed on trial, the charge against him is put into a writing called an indictment. This is of great advantage to the accused person, because the grand jury is made up of private citizens like himself, and further because the jurors meet to hear the evidence and consider it in their own way without being influenced by the wishes of the officers or friends or foes of the accused. This illustrates what was said in an earlier chapter that this is indeed a government by the people, for

the grand jurors are taken from the great body of people and represent them in deciding whether a fellow citizen should be placed on trial for crime.

This is the process used in courts of the United States in cases of capital or other infamous crimes. A capital crime is one in which the accused if convicted may be punished by death, and an infamous crime is one where there is infamy in the crime or the punishment. The infamy referred to probably is not so much in the crime as in the punishment. Imprisonment in the penitentiary is infamous, and so, of course, is punishment by death. A person may be accused of other crimes without indictment.

Some state constitutions have the same provision, but in North Dakota the accused may be placed on trial without indictment. Instead an information describing the offense is filed. An indictment is not required either in cases arising in the land and naval forces, nor in the militia in time of war or public danger. Proceedings there are conducted in courts martial and not in civil courts, so the rules for civil courts do not apply.

Twice in Jeopardy. The same amendment to the federal constitution says: "No person shall be subject for the same offense to be twice put in jeopardy of life or limb." This means that in those cases which may be punished by death one who has been acquitted by a jury cannot again be put on trial for the same offense, or for an offense that would require the same evidence to convict. This is the rule of the federal government, but in our state and in many other states, a person cannot be tried a second time for the same offense, no matter what the nature of the crime is. The protection given by this right

is very important because in the old days men who had been acquitted were sometimes arrested and tried again.

Witness Against Himself. One cannot be compelled in a criminal case in federal court to be a witness against himself, and most states have adopted the same rule. In some countries in Europe a person who is put on trial for a crime has his whole life and conduct inquired into. In many countries physical torture was permitted to secure confessions from the accused. In some countries an accused person is considered guilty until he proves his innocence, but here he is considered innocent until he is proved guilty. The admissions of an accused person made outside of court that he is guilty of crime cannot be used against him in court unless they were made of his own free will. The defendant may be a witness for himself if he chooses to be, but he cannot be compelled to testify either by promises or threats, and if he chooses not to testify no unfavorable conclusion can be drawn from it.

Speedy and Public Trial. In all criminal prosecutions "the accused shall enjoy the right to a speedy and public trial." Both state and federal constitutions have this language. To be speedy a trial must be brought on as quickly as the prosecuting officers can reasonably be expected to get ready for it. If the accused is willing to proceed at once the state is not entitled to delay, except for the time necessary to prepare the case and secure the attendance of witnesses. One cannot be kept in jail for many months waiting for trial.

One's trial must be *public,* too. The accused is entitled to have his friends present as well as his enemies. The people have a right to know what is taking place in court;

it is their laws which are being enforced. But not every person who desires to do so is permitted to attend. There are cases where the evidence would tend to injure public morals and decency, and in such cases children, and even the general public, may be excluded for the good of all.

Trial by Impartial Jury. Then the trial must be "by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law." By a jury is meant the kind of body which was known before the constitution was adopted and commonly used in the trial of criminal cases. This is a common law or petit jury and is composed of twelve persons who are selected from the every-day walks of life to sit as a jury. They are selected from among the people as representatives of the people to help decide whether the accused is guilty or not guilty of the offense charged.

The jurors selected must be *impartial*. They are not to have any opinion at all as to the guilt or innocence of the accused when they are chosen. Their minds should be open so they can hear the evidence without any feeling of prejudice either one way or the other. This is the only way they can deal fairly between the government and the accused, known as the defendant. The jury must be selected from the state or district in which the crime was committed. This naturally is the vicinity in most cases where the defendant is known. In this way he has the benefit on his trial of the good name which he may have in his neighborhood and of having the jurors know the witnesses who give evidence against him, and he is better able also to secure the attendance of his witnesses.

Nature of Accusation. In addition to these rights the accused must be "informed of the nature and cause of the accusation." It seems unnecessary to have such a provision in the constitution, yet not many centuries ago it was a common thing to throw people into jail and keep them there without telling them why they were put there. They were tried in many cases and convicted with no knowledge of the charge against them and no opportunity to hear the evidence or even to see the witnesses.

The indictment or information which informs the accused of the nature and cause of the accusation must give a clear statement of the crime charged and the facts which it is claimed show the accused guilty of the crime, and he cannot be found guilty unless these facts are proved. When he knows the accusation he can prepare to defend himself because he then knows the nature of the testimony that will be given against him. This puts him into position to expose false testimony or to offset its effect. It enables him to be as well prepared for trial as is the government, and this is the purpose of the right.

Confronted with Witnesses. The accused must be confronted with the witnesses against him. That is, the witnesses against him must be personally present in court at the time of trial so that they can be seen and heard, and the manner in which they tell their story observed by the jury. The way in which witnesses testify is a help in deciding whether they are telling the truth or not. Their presence in court enables the attorney for the accused to examine them to test the truth or falsity of their story. In civil cases it is not necessary to have witnesses present. They may give their testimony at some other place so it

can be taken down in writing and then read at the time of trial.

Compulsory Attendance. Again, the accused has the right to have "compulsory process for obtaining witnesses in his favor." As many people do not like to testify in court, it is provided that witnesses may be brought into court and compelled to testify. To compel a witness to attend a trial the court issues what is called a subpœna. This is an order of the court which directs the witness to appear at a certain time and place to testify. This order is delivered to him by the sheriff or other officer, and if he fails to obey it he can be punished. In this way the accused can have the benefit of all the testimony he can find in his favor.

Assistance of Counsel. The accused also is entitled to "the assistance of counsel for his defense." What does *counsel* mean? For many centuries there has been a class of men who have made the laws of their country their special study. They have been made officers of the court whose duty it is to render aid to the parties in a suit in court in applying the law to the case before the court. Men who have engaged in this study we call attorneys or lawyers, and because of their knowledge of the law they are considered fit to counsel or advise those interested in a dispute, and, therefore, are known in law as *counsel.*

It is the duty of counsel to see that no wrong is done the accused by false witnesses, or in any other way. We are so accustomed to see a defendant always represented by his attorney in court that we forget how at one time it was the practice in the criminal courts in England to place a person on trial even for a felony without an attorney.

Not until 1836 did a person accused of a felony have a right to counsel. This shows how important it appeared to have the right to counsel recognized by the constitution. If the defendant does not have counsel the government may appoint one for him and see that he is given a legal trial. Thus a poor and friendless citizen charged with crime is safeguarded in his right to a jury trial.

The state constitution of North Dakota gives the accused the same right to be informed of the nature and cause of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Excessive Bail Not Required. You will see later all of the steps in the prosecution of a criminal case. The first step is the arrest of the person accused of crime. While he is entitled to a speedy trial, as we have seen, there nearly always is some delay in preparing for trial and waiting for the court to fix a time for it. It has been said that though the person arrested is accused, he is held innocent until he is proven guilty. With this in mind you can see how unfair it would be to require in all cases that he be held in jail until he can have his trial.

In such a case what is really important, therefore, is that the accused should be bound in some way to attend the trial when his case is ready. Upon furnishing bail he is released from the custody of the officers until his trial can be held. Bail is a bond which some one signs for the accused, in which there is a promise in writing to pay to the government a certain amount, which is fixed by the magistrate who issued the warrant of arrest, in case the

accused does not appear for trial when required to do so by the court.

Bail is allowed for all but two offenses, treason and murder. But in those cases where it is permitted the constitution requires that it shall not be an unreasonably large amount. This is very important because if one cannot find bondsmen, or sureties, as they are called, he must lie in jail until he can be brought to trial. If the amount of bail is reasonable usually one is able to secure his release, while if it is excessive, release may be impossible.

No Unusual Punishment. Excessive fines may not be imposed upon one who is found guilty of a crime. Neither may cruel or unusual punishment be inflicted. We do not hear much nowadays about cruel punishment but before the colonies were declared independent, people found guilty in England frequently were punished in most barbarous ways, so there undoubtedly still was a dread of cruel punishment and a desire to protect against it. It is probable that any punishment which was usual at the time the constitution was adopted would not now be considered cruel. For this reason hanging is not deemed either cruel or unusual.

Involuntary Servitude. "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States, or any place subject to their jurisdiction." Both state and federal constitutions secure this right. Immediately after the slaves were freed some states in which slavery had been abolished passed laws to compel the apprenticeship of negroes in such a way that they really were slaves.

At the time the Magna Charta was granted fully half of the English people were in servitude, that is, in practical slavery. It took centuries to bring this condition to an end. Imprisonment for debt also was common. If a man could not pay his debts he was imprisoned and compelled to work them out. The provision we have quoted put an end to the practice in the southern states which threatened to carry on such slavery.

Bill of Attainder. The constitution as originally adopted says that bills of attainder shall not be passed either by a state legislature or by congress. A bill of attainder is a bill, passed just the same as any other bill, which declares a person, or persons, guilty of some crime, and which prescribes a penalty of death and the forfeiture of property. People were convicted of crime in this way at times by the English government with no opportunity to be heard. In fact such acts were passed in a few instances in the colonies.

Many bills of the same kind were passed by the colonial legislatures to punish Americans who remained loyal to England during the Revolutionary War, but the punishment was less than death. The danger in this kind of conviction is that there is not the same opportunity for trial upon the facts that exists in a court which tries an accused person according to law.

Ex Post Facto Laws. The constitution as originally adopted prohibits the passage of any *ex post facto* law either by congress or the states. This is a law which makes a crime out of an act which was not a crime when it was done. You can see what an injustice a law of this kind might work, yet such laws were passed before the

constitution was adopted. So long as it was proper to pass this kind of law a person might do many things which were lawful at the time they were done and later find that they were crimes because the law afterward passed made them so.

In the same way an act may have been a public offense when it was done and afterward by an *ex post facto* law made a greater offense, or such a law might make the punishment greater than at the time the crime was committed. There was so much opportunity and temptation to oppress by laws of this character that they were prohibited.

Habeas Corpus. "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." This provision applies to both state and federal governments. The words habeas corpus mean "you may have the body." The writ is an order in writing by a judge or court directing any person who is restraining another in prison or elsewhere to bring such person before the court so that the reason of detention may be investigated.

This writ was used many centuries ago, in fact, before the Magna Charta was granted in 1215. It was one of the few remedies which could be used by the people to protect themselves against unlawful imprisonment. Unlawful restraint was one of the things which led to the Petition of Right about which you have studied in history, and resulted in passing the Habeas Corpus Act in 1679. The right to the writ was considered well established in the colonies and the constitutional provision was intended to make its recognition permanent.

It can be suspended only in time of rebellion or when public safety may require it. The effect of its suspension is that one may be imprisoned without cause and then he has no means of being released until he is tried. The writ is a constant protection to the many rights we have studied. If a citizen is wrongfully imprisoned or otherwise restrained he is released at once without waiting for trial. It does not matter where or by whom he is restrained, nor for what cause; if it is done illegally this writ will secure his release.

SUPPLEMENTARY NOTES AND STUDIES

1. Why is trial by jury considered so important a right?
2. Why should the public be admitted to a trial?
3. Why should a confession not be used against an accused person unless it was voluntarily made?
4. What are the advantages to an accused person of having a trial speedily held?
5. If a person were illegally imprisoned how would you go about it to have him released?
6. What is a witness? Testimony?
7. Would the whipping post be a legal punishment in the state of North Dakota? Why?
8. Do you think it would be a cruel and unjust punishment to suspend a prisoner from chains placed around his wrists?
9. There is nothing which will impart so clear an understanding of the protection given to an accused person as attendance upon a criminal trial, if this is possible. In most cases it cannot be done. It will be well, however, if the teacher can have the story of a trial by some one who has attended.

CHAPTER V

RIGHTS OF PROPERTY

The Right to Have Property. Every citizen of our country has a right to acquire and own property. This is the right to use it and enjoy it and to exclude every one else from interfering with it in any way, except that the freedom with which such use may be made is limited by the equal right of others to use and enjoy their property, and by the right of the government to exercise control over it for the welfare of all.

Our highest court has said: "Whatever a man produces by the labor of his hand or his brain, whatever he produces in exchange for something of his own, and whatever is given to him, the law will protect him in the use, enjoyment, and disposition of. The wild beast is the property of him who captures and subdues it, provided he keeps it subject to his dominion; game belongs to him who slays it, and so on. The natural increase of domestic animals is the property of the owner of the mother, and the natural productions of the soil, as well as the crops produced by the labor of man, belong to him who owns the soil. And the right to continue the practice of the learned professions is property which cannot arbitrarily be taken away."

The hope of acquiring the things and rights and privileges we should like to enjoy keeps us constantly making

efforts to get them into our possession, and in doing so we help to improve and develop industries and the social and political conditions under which we live. The prospect that we may profit thereby induces us to engage in our occupation willingly and cheerfully.

In other words, our selfishness is a means of progress. Broom, an English writer, says: "It is indeed an essential principle of the law of England that a subject hath an undoubted property in his goods and possessions; otherwise there shall remain no more industry, no more justice, no more valor; for who will labor? who will hazard his person in the day of battle for that which is not his own?"

It is, therefore, important that when property does come into our control so we can call it ours it should be protected against the acts of others which may deprive us of it or its enjoyment. On the other hand the public must be protected against our improper use of our property, or the pursuit of our callings in such a way as to injure others.

If an article is used so that it injures the health or the morals or otherwise becomes detrimental to life, or the welfare of the public, the government may take away its quality of property altogether, and when it ceases to be property it may be destroyed for it is then looked upon as a nuisance.

So lottery tickets and apparatus used for gambling, and intoxicating liquors when offered for sale in violation of law, are not considered property. Houses used for improper purposes, places which give rise to offensive odors, buildings which greatly increase the danger of fire in a

community, and many other things are, or may be, nuisances if their use is a menace to the welfare and safety of the community, and when found to be nuisances they may be destroyed. But whether they are nuisances must be determined by the courts. That cannot be left to private citizens. If we want to enjoy our property it follows that we must use it so that it is not harmful in its effects upon our fellow men.

Taking Private Property. Private property cannot be taken for public use without just compensation and cannot be taken for a private purpose at all. This shows how the owner's right to the enjoyment of his property is protected. The public, that is, the government, may take it away, but only to be used for a public purpose. If a school district should want a tract of land which you have, for a building site for a schoolhouse, and you could not agree on a selling price, the district could go into court and take the property away from you in what is called a condemnation proceeding.

In the trial witnesses would be called to testify as to its value and the jury would decide what the school district should pay you and it would acquire the property upon paying the price fixed. The right of the district to do this is called eminent domain. This could not be done if the purpose were not a public one. There are many public purposes for which one's property may be taken. It may be condemned for a park, playground, railroad right of way, highway, or any one of many uses, but always when it is taken a just amount must be paid for it.

It is also considered taken if any use to which it is put interferes with the owner's enjoyment of it and then the

owner has a right to compensation just the same as if it were entirely taken away. He must be paid for the injuries he suffers although he may still go on using the property himself, only with less freedom than before the public started making use of it.

Obligation of Contracts. The constitution provides that no state shall pass any law interfering with the obligation of contracts. A contract is an agreement, and the obligation of a contract is the law which binds one to keep the agreement. When a man makes a contract to do certain things he is bound to do them. The contract defines what these things are.

This language of the constitution means that after the contract is made the legislature of the state cannot make a law which changes its effect. It cannot pass a law which relieves a party to the contract from doing some part of what he agreed to do. Neither can it pass a law requiring him to do more than is called for by the contract. The legislature is not permitted to help or compel a man to break a contract. He cannot be dishonest with the consent of the government.

Due Process and Equal Protection. We have already seen what "due process" of law is and that no one may be deprived of his property without due process. One is as much safeguarded in the right to property as in the right to life or liberty. The legislature cannot take the property of one person and give it to another. Neither can it decide the rightfulness of one person's claim to property as against the claim of another, nor can it fix the damages which one person must pay for injuries to another.

These are all matters which must be decided by the courts in proper proceedings. Thus the principle that all men are equal before the law, which was set down in the Declaration of Independence, relates to the property of men also. Their property has the benefit of equal protection of the laws so that all the persons in one class are treated the same. The United States was the first government in the world to declare to people the equal protection of the laws, and the constitutions of our different states now also secure to each of their citizens equal opportunities before the law for improvement and progress.

Privileges and Immunities. It is provided in the constitution that "the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states." This gives the right to the citizens of one state to go into another state and enjoy in that state the same rights as the citizens of that state enjoy. If a citizen of Minnesota comes into the state of North Dakota he has the very same rights in North Dakota which the citizens of that state have.

But a citizen of one state going into another is not entitled to the political privileges enjoyed by the citizens of the other, such as voting, or serving on juries. Neither does the provision include the right to fish in the waters of another state, or to hunt game, but it does give the right to pass from one state to another, to acquire and enjoy property, to engage in trade or agriculture, and to bring suits in the courts of the state.

No state is permitted to make or enforce any law which will abridge the privileges and immunities of citizens of

the United States. These privileges and immunities are such as the right to participate in foreign and interstate commerce, to make use of the navigable waters of the United States, to enjoy postal privileges, to sue in the federal courts, to participate on equal terms in the purchase of public lands, to reside in such part of the United States as one may wish, and to enjoy the benefits and protection of the constitution and laws of the United States.

These provisions are intended to entitle all citizens living under the same conditions to the same kind of treatment, and for the main part they relate to property. They are provisions which have had a great deal to do in building up the feeling of unity among the several states, and have helped to make us a nation.

SUPPLEMENTARY NOTES AND STUDIES

1. Name ten public purposes for which private property may be taken.
2. What do you think would be the effect of depriving people of the right of property?
3. What is the difference between citizens of the United States and citizens of the several states? Can one be a citizen of the United States and not be a citizen of a state, or vice versa?
4. Do you think a non-resident should have the right to hunt in our state on the same terms as residents? Why?
5. Why should a person be required to reside in a state a certain length of time before he is permitted to vote?
6. Why is the power of eminent domain given to a railroad company?
7. Is a book the property of the author? How is he protected in its enjoyment?
8. Under what circumstances do you think a dynamite factory might be a nuisance?
9. How are people who maintain nuisances sometimes punished without having the property used entirely destroyed?
10. Why does the law give courts the power to confiscate automobiles or other vehicles used in the liquor traffic?

CHAPTER VI

DUTIES OF CITIZENS

We will never bring disgrace to this, our city, by any act of dishonesty or cowardice, nor ever desert our suffering comrades in the ranks. We will fight for the ideals and sacred things of the city, both alone and with many. We will revere and obey the city's laws and do our best to incite a like respect and reverence in those above us who are prone to annul or to set them at naught. We will strive unceasingly to quicken the public's sense of civic duty. Thus, in all these ways, we will transmit this city not only not less, but greater, better, and more beautiful than it was transmitted to us.—THE ATHENIAN OATH.

Importance of Duties. It has often been said that wherever a person has a right he has some duty to perform. We have been studying about the rights of citizens and from our study we have seen how very important these are. The appreciation of this importance should not make us selfish in asserting these rights. People are very much inclined to look always for government to give something to them. They seem to think of it as something outside themselves which has nothing to do but to shower bounties upon them. They constantly expect to receive something from it and too seldom think to give

something to it. We have said that our government is democratic in its character in the sense that each citizen has a voice in it. Each voter has an opportunity to help select the representatives of the people who are to make and enforce the laws. We have seen also how often those who are not voters help to make the government by their opinions upon public questions. So each of us is a part of the government. It has been well said:

"You are the State. Out of your wisdom it is wise; out of your honesty it is just; out of your strength it is strong; out of your courage it is fearless, and out of your devotion it is safe. All of these qualities must arise to it out of yourselves, or it hangs its head in the presence of the world. It is but a composite of your thoughts and actions. It has none else to plan for it but its citizens. The America of to-morrow can be no greater than are you of to-day." [1]

Thus we cannot expect to receive any more from the government than we give to it. It is wrong for us to make claims upon it if we are not willing to contribute to it with our thought and knowledge and efforts and our self-restraint and patriotism and service. While it exists to protect our rights, your rights and the rights of your friends and of all people living under it, and to promote the welfare of all of them, we cannot have our rights, you cannot have your rights, unless all the people entitled to the same rights perform their duties to the government. Now let us see what some of these duties are.

[1] From *This Great American Republic*, an address by Henry A. Wise Wood, at the Town Hall, Scranton, Pa., Law and Order Day, January 25, 1920. Used by permission of the author.

Study Principles of Government. Since this is a government by the people and each has a voice in deciding what the government shall be, and who its officers shall be, you can see how necessary it is that each one should know why the government exists, what its purposes are, what rights it is intended to protect, what blessings it is intended to secure, and by what means these results are to be obtained. In your study of history you have seen that for centuries the English-speaking people have struggled to have their rights recognized and protected by their rulers. These rights are natural to men. One has said:

"What are the natural rights of man? The natural rights of man require that every individual shall be free to enjoy life, liberty, and the pursuit of happiness, in all ways that do not deny equally to others life, liberty, and the pursuit of happiness.

"But what is it that insures the maintenance of the natural rights of man? The Law. What is the Law? It comprises merely the rules of the game of life, by which all are bound to play fair." [1]

The people of the states were entitled to their rights before they adopted the constitution as the fundamental law of the land so they might be protected in the enjoyment of them. If the government which rests on the constitution fails in any respect it is within the power of the people to correct it. But how can we correct it if we do not know what rights it is to secure? A citizen cannot tell in what respects the government fails if he does not know what it ought to do for him. He cannot vote

[1] From *This Great American Republic,* by Henry A. Wise Wood. See footnote on page 52.

intelligently to amend the constitution unless he knows whether there is need of amendment, and he cannot know this unless he knows what the constitution already is and what its provisions mean.

Thus each one having the privilege of voting has the responsibility of helping to make the government a success or a failure. So each pupil in school, and each alien who expects to become a citizen, and each citizen who does not yet understand the rights which he has by nature, and how these are limited that others may enjoy them, and how the government recognizes and protects them, and to what extent it is succeeding in what it undertakes to do, should make a study of the Bill of Rights, and the state and federal constitutions, and our system of government, until all these matters are understood.

Study Public Questions. As a citizen each voter is concerned with more than the fundamental principles of our government. At each election there are public questions to be considered. The candidates of one party stand for certain policies of government. They advocate that the laws be administered in a certain way or that new laws be passed in order that the public welfare may be promoted. The candidates of another party to achieve the same end favor other policies, that is, other ways of administering the laws we already have, or new laws differing from those favored by their opponents. The choice of men really means a choice of policies. It is very important then that we should know which plans are the better, for the plans which we shall have depend upon the choice of the majority of the people at the polls, and we cannot choose wisely unless we understand what the

candidates stand for, what they mean by their plans, and how they hope by them to make the government better.

In arriving at our decisions we should have in mind all of the time the welfare of the people and not merely the triumph of certain candidates or a certain party. The good of our country is more important than the success of any party. Then, too, much depends upon the choice of men. Public questions sometimes are settled by selecting capable and honest men to represent us in making and enforcing laws. In selecting certain officers the choice of such men is more important than any policy which they may favor. This is true especially of officers who are not in position to change the law but merely to enforce the laws we have. In these cases we should know the men for whom we vote, and the record, character, and reputation of each.

Act Independently as Citizens. If each citizen has the knowledge we have been discussing he can form his own ideas as to any changes in the laws, or plans of government, or policies, or in the men who shall represent him in making and executing the laws. Each voter should express his own ideas about these things, for if he fails to do this it is not a government by the people after all. If he votes for certain men or laws because some one asks him to do so, without understanding why he votes in this way and what his vote really means, he is not expressing his own mind at all, but that of some one else.

There has been too much of this kind of voting in the past. Where voters cannot read or write, or where they do not have sufficient education to enable them to study

public questions themselves, political "bosses" undertake to tell them how to vote. Sometimes such voters receive money for their votes, or they are promised work, or other help of some kind, and trade their votes for the promises made or help given. This is called "corruption" in politics. You see, therefore, how difficult it is in a country which is said to be governed by the people to make the government succeed.

Many advocate that a person should not be permitted to vote unless he has a certain amount of education, because a vote does not express the views of the voter unless he votes with knowledge of the questions which are at issue, and the ignorant voter is less likely to vote with knowledge than one who has a certain degree of education. So if our government shall be a success, you and every other citizen must study it and the public questions that arise so that when you vote you will express your own ideas and not those of some political "boss" or leader. Each owes it to the government and to himself to act independently and not to be browbeaten or coaxed or corruptly influenced to vote differently from the way his best judgment tells him he ought to vote.

Exercise Privilege of Voting. Our government cannot be "of and by the people" unless the people exercise the privilege of voting at all elections. As we have seen, it is the majority which rules. The will of the majority is expressed in laws and policies of administration. It cannot be fairly learned what the will of the majority is unless each citizen expresses his ideas by his vote. He cannot seriously complain about the results of an election if he has failed to participate therein. If he is to have

the protection of the government it should have the benefit of his judgment, and he shirks if he does not give it. It is as much a duty to vote as to pay taxes.

Pay Taxes. In a later chapter we shall see how the government is supported by taxes. A tax is what a citizen or other person is required to pay for the support of the government. The amount which a person must pay depends in part on the value of the property he owns. The more valuable the property the greater the tax. Many people try to avoid paying as much tax as they rightly should pay by keeping the amount of their property secret or by having its value fixed below its real value. This is a form of dishonesty. It puts a heavier burden on the honest man in proportion to his property than on the dishonest one. The more one has acquired the more protection he enjoys from his government, and one of the objects of government is the protection of property. It is kept safe against forfeiture, or injury by others, so it is only fair that a person should pay for the protection he has according to the property he owns. It is a duty, therefore, to report honestly what property is owned, what it really is worth, and then to pay the taxes which justly are required to be paid.

Defend the Constitution. We shall study more about the constitutions of our state and nation, but you know that these are the documents which contain the fundamental rules for the government of each. Many people find a great deal of fault with the constitution and the government. They do this as though they had no part in making it. Oftentimes these are people who do not understand what are the unalienable rights which our

forefathers talked about and fought for. The national constitution, as it was adopted and later amended, recognizes all these rights and seeks to protect them.

It has been amended whenever it has been found necessary to adapt it to changing needs and conditions. Whenever new needs demand further change, in the view of the majority of the people living under the constitution, the remedy is in their hands. Why then condemn the constitution? It is what we make it, or permit it to be. It can always be made to represent the wishes of the majority. Its adaptability to new conditions is what makes our constitutional government so wonderful. The constitution of the United States is one of the earliest and greatest written constitutions in history and has received the highest praise from the statesmen of other countries. Under its protection our nation has made its great progress, and it is worthy of our most enthusiastic defense.

Self-Dependence. It is the duty of each to earn his own living. Since the government must support those who do not support themselves any one who does not work so as to make his own way becomes a burden. As a people we have been altogether too reckless in our personal expenditures. It is undisputed that we are most wasteful of our time, material, and money. During the World War it was found that we can practice thrift with success.

We need to take thought of the future so that we shall be able to satisfy our needs in case of ill health, or permanent injury, or old age. No matter what our vocation may be each needs to save as a protection against adversity. The waste of money or time or energy profits

no one. While there is no virtue in miserliness, useful spending is the basis of intelligent saving, and useful spending means thoughtful spending in which waste is avoided. We should learn to think before we spend.

It is not only one's duty to work so that the burden upon others will not increase, but one should engage in a *useful* occupation. The labor he performs should be a service to his fellow men. It ought to produce or improve that which is useful and should promote the welfare of the community. There is a difference between making a *living* and making it *honestly*. Some do their work cheerlessly and only because they have to do it, and such work is often carelessly done.

If each must work and earn an honest living you can see how important it is that one's work be selected and prepared for. It should be chosen to suit one's ability and liking. After this there should be preparation for it by training in school, or by study, or apprenticeship. Each boy or girl fails to do his or her whole duty if there is no thought about the vocation which shall be followed when school days are over. Any honest work is honorable. If callings are carefully selected and all men are eager to engage in work that is honorable, there will be less complaint among those who work. They will find joy in doing well the thing which they choose to do.

Obey the Law. Since laws are enacted by our chosen representatives to promote the general welfare, we cannot consistently do less than acquiesce in their decisions so long as their legislative acts have the force of law. We should obey our laws because they are the rules of conduct for citizens. Some think they need not obey a law

with which they do not agree. They forget that this is a government by the people and that this cannot succeed unless all of us are willing to let the will of the majority rule. If they do not approve, their remedy is not in violating the law but in convincing the majority that there there should be a change. Every citizen should memorize and religiously observe these words of Lincoln:

"Let every American, every lover of liberty, every well wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country and never to tolerate their violation by others. . . . Let reverence for its laws be breathed by every American mother to the lisping babe that prattles on her knee, let it be taught in schools, in seminaries and in colleges, let it be written in primers, in spelling books and in almanacs, let it be preached from the pulpits, proclaimed in legislative halls and enforced in courts of justice, let it become the political religion of the nation; and let the old and young, the rich and poor, the grave and gay, of both sexes and all tongues and colors sacrifice unceasingly upon its altars!"

Service of Country. A citizen who performs all of the duties we have studied serves his country well. But there are other calls to service. No way has yet been found to avoid war, and when nations disagree and settle their disputes by war it is necessary to call upon the citizens in peaceful callings to enter military service. In such a time it must be remembered always that it is the people who rule through their representatives. This we cannot recall too often, and when our representatives have decided for us that a war must be fought to protect our honor as a nation it is our duty as good citizens to per-

form the work we are asked to do, whether it be in the army or navy or some other service.

In every great war our nation has fought there have been people who opposed it and discouraged it and obstructed its progress. It has been necessary at times to pass sedition acts to provide for the punishment of those who interfered with the prosecution of a war with their unfriendly and unpatriotic utterances. Those who try to discourage the people in such a time are looked upon as unworthy the privileges of citizenship. Our response to the call in such a time of emergency is the supreme test of our citizenship.

SUPPLEMENTARY NOTES AND STUDIES

1. Resolved, That there should be an educational qualification for voters.
2. Do you think that a person should be required to own some specific amount of property before he is permitted to vote?
3. What were the provisions of the Sedition Act which was in force during the World War?
4. Why should a man be willing to die for his country?
5. Do you think disarmament of the world's principal nations would put an end to war?
6. Can you think of any employment which is honest which is not also helpful to the community?
7. What were the principal issues of the last presidential campaign? Have a debate on one of them.
8. Why should a voter make up his own mind as to how he should vote?
9. Is cheating a person more dishonorable than cheating the government? Why?
10. Write an essay on thrift.
11. State ten ways in which you can serve your country.
12. Much criticism of our government is due to the fact that the critics do not know the rights which are protected by it, nor the purpose for which it was formed. This should be discussed and emphasized.

PART II. STATE AND LOCAL GOVERNMENTS

CHAPTER VII

HISTORICAL SKETCH

Occupation of Territory by Indians. Before white men came, the territory which is now North Dakota was well supplied with buffalo, deer, and other wild game. It is said that as long as three centuries ago there was a highly developed Indian civilization in the central part of the state along the Missouri river. The Mandans, Arikari, and other tribes cultivated the land and raised corn, potatoes, squashes, pumpkins, tobacco, and beans. They had a civil government and history of their own. We are told that there was little crime and that the natives were well governed.

European Influence. This Indian civilization seems to have been disturbed first by European settlers coming from the southwest. Trade was established with the Spanish coming from that direction between the Heart and Cannonball rivers. The Spaniards took people captive from the northern tribes and held them as slaves. As these practices increased the Indians became more warlike. As early as 1640 French traders came up the Missouri river and joined the Sioux Indians to help drive

the Mandans, Arikari, and Hidatsas, or Gros Ventres, toward the north. The Hudson's Bay Company also made its influence felt. The result of the contact of the Indians with European civilization, if such it could be called, was a warlike attitude toward the white men. They were somewhat demoralized, but even then the Sioux continued their agriculture. The representatives of the Hudson's Bay Company are charged with degenerating the Indian race so that the traces of its highly developed civilization were practically destroyed. The struggle for the control of this territory was centered about the Missouri river, with the Indians on one side and the Spanish, French, and English and Americans on the other.

Lewis and Clark Expedition. In the winter of 1803–1804 the government sent out the Lewis and Clark expedition to travel up the Missouri river to its headwaters and then on to the western coast. These men spent the winter of 1804–1805 on the north side of the river about fifteen miles west of the present city of Washburn, at Fort Mandan. They met the Mandans and the Hidatsa, or Gros Ventre, Indians, and at the Hidatsa village north of Stanton found Sakakawea. This Indian woman accompanied Lewis and Clark as their guide and helped them to pass successfully through the western country to their destination without arousing the opposition of hostile Indian tribes. The name Sakakawea, in the Hidatsa language, means "Bird Woman." Her husband, a Frenchman, joined the expedition with her. She carried her infant child on the trip. Statues have been erected in her honor in several western cities, but the one which truly represents her mission as a guide and best portrays

her Indian characteristics is the one erected by the State Federation of Women's Clubs and the school children of the state on the Capitol grounds at Bismarck. The report of their explorations made by Lewis and Clark had much to do with the early efforts to develop the northwestern part of the United States.



Statue of Sakakawea, in the Capitol Grounds at Bismarck

Territorial Political History. Of the territory which comprises the state of North Dakota, all except the portion lying in the northeast part, which was claimed by Great Britain, was acquired by the United States as a part of the Louisiana purchase in 1803. On the 3d day of March, 1805, all of that purchase north of the 33d parallel was organized as the territory of Louisiana. Prior to that time it had been the district of Louisiana. On December 7, 1812, this Louisiana territory north of the 33d parallel was formed into the territory of Missouri. In 1834 the part of it north of Missouri and east of the Missouri river became a part of the territory of Michigan. In 1838 Michigan was admitted as a state with its present boundaries. The remaining territory which had been a

portion of it was called the territory of Wisconsin. On June 12, 1838, what we now know as North and South Dakota was taken from Wisconsin and added to the territory of Iowa. In 1848 the eastern part of Dakota was merged in the territory of Minnesota, and in 1854 the part west of the Missouri river and the White Earth river in the territory of Nebraska. In 1858, Minnesota was admitted into the Union as a state with its present boundaries, and that part of the former territory east of the Missouri river was unprovided for until March 2, 1861, when the territory of Dakota was created, which included Dakota, Montana, Wyoming, and a part of Idaho. Montana was separated in 1873. For a time after Minnesota was admitted, and while some of the eastern territory was unprovided for, a part of it was called the district of Pembina.

The portion of the northeastern part of the state originally was claimed by Great Britain and was included in the grant to the Hudson's Bay Company, and in 1809 was conveyed by it to Lord Selkirk. In 1818 it was brought into the United States by the location of the northern boundary of the United States on the parallel of 49° north latitude. After that time it had the same history as the other portions of the territory already discussed.

Settlement of Territory. A trading post was established at Fort Pembina in 1797, but was abandoned. In 1801 trade was opened at other points in that vicinity. A trading post was located at the mouth of the Little Big Horn as early as 1807, and from time to time other trading points were fixed. When gold was discovered in

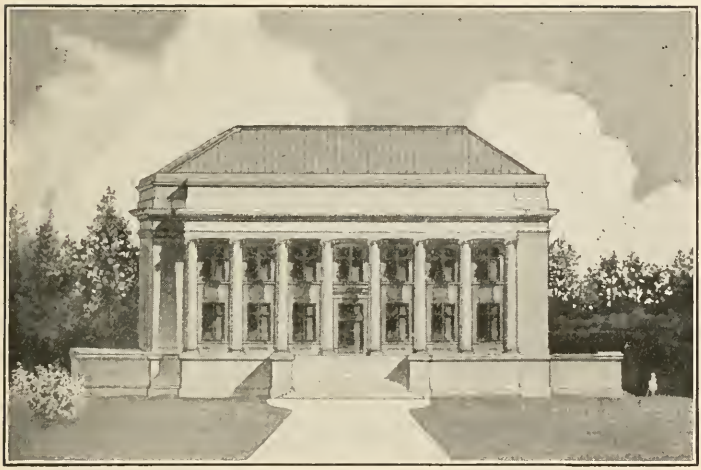


© by F. B. Fiske

A Sioux Indian Camp

California and later in Montana and Idaho, great numbers of people crossed the Dakota country. This led to early settlements. In 1873 the Northern Pacific Railway was built into the state. A treaty was made with the Sioux Indians in 1868 and by this treaty the whites were to remain east of the Missouri river, but the treaty was violated. The Sioux, in their efforts to defend their territory, fought a battle at the Little Big Horn on June 25, 1876, when General Custer and his troops were killed. Nevertheless, settlements in the state increased, and in 1883 the capital was removed from Yankton to Bismarck.

Statehood. On February 22, 1889, President Harrison approved the "omnibus bill" which divided the former territory of Dakota into North and South Dakota, and called constitutional conventions for the Dakotas and Montana and Washington. The constitutional conven-



Liberty Memorial Building, at Bismarck

tion began its deliberations at Bismarck on July 4, 1889, and on October 1, 1889, its work was approved by the people. By proclamation of the president, North Dakota was admitted as a state November 2, 1889.

State Historical Society. The state sustains this society to foster public interest in the history of the state, to study the state's history, and to preserve documents, data, and objects of historical interest. The society maintains a museum in which are preserved exhibits which show aboriginal products and tools, and methods of transportation, and all phases of Indian life. There are many articles which illustrate the settlement of the state by European nationalities, large numbers of posters illustrating various phases of the World War, and numerous trophies of the war. The society library contains about 20,000 volumes relating particularly to the history of

North Dakota and neighboring territory, and also has many thousands of pamphlets of historical value.

SUPPLEMENTARY NOTES AND STUDIES

1. Resolved, That the Indians should have been permitted to retain the whole of the Dakota territory.
2. Name five prominent characters in early Dakota history.
3. Read an account of the Lewis and Clark expedition and state what good was accomplished by that expedition.
4. Read an account of the service of Sakakawea and state why she is so honored.
5. Resolved, That contact of the Indians with white civilization was detrimental to Indian civilization.
6. Tell the story of one of the early settlements in the state.

CHAPTER VIII

THE TOWNSHIP AND SCHOOL DISTRICT

The Idea of Local Government. The idea of local government developed in New England, where the settlers were gathered in compact communities. Religion played a large part in their lives, and their settlements were developed around the church. The meetinghouse was used as a place of meeting for all public, as well as all religious affairs. These small settlements originally were called townships, but later the term "town" came into use in that section. Each congregation annually held a meeting for the discussion of local affairs. Here such officers were elected as were necessary to carry on the business of the town. All of the members were equal in rank, and all, therefore, participated in this annual meeting. Here regulations were passed which had to do with matters affecting the community.

As this was the smallest political organization the town became the unit of government. This system spread to the westward, and as the western states in the same latitude were settled by New England people the township in some of them was organized to resemble the New England town. This is true of such states as Michigan, Illinois, Wisconsin, Minnesota, Nebraska, and North Dakota, although the town meetings in these states do not appear to be as thoroughly democratic as in New England. In

many states the township has been organized the same as other political subdivisions so that the annual meeting is merely an election of representatives of the people who manage local affairs, but in North Dakota the true town meeting idea has been preserved.

Origin of the Idea. The English people from very early times had little villages which were called "tuns." These were small groups of dwellings or buildings, which usually were surrounded by a hedge, and certain tracts of land which were used in common. The people living in these groups needed a little government so they gathered in a meeting which could be attended by each freeman. This meeting was called the "tunmoot." Later the word "tun" gradually changed to "town." The town or township in England was used as a basis for the organization of the shire, which later developed into the county. The township meeting known to us probably differs in some respects from the old "tunmoot," but there is a similarity in the systems. We cannot say that the New England settlers transplanted town government from England, but they undoubtedly brought the idea of local democratic government and love for it from there. The New England town in fact grew out of the physical and social conditions in which the colonists lived as the natural expression of their democratic ideas.

Congressional Township. As early as 1785 ordinances were adopted by congress providing for a system for the survey of public lands. Under this system parallels of latitude were selected as base lines. Certain meridians selected were called the principal meridians. The township as defined by the ordinances was six miles square

and was made the unit for locating lands by description. This we know as the congressional township, which has become an important geographical division in our system of government. The distance east or west of the principal meridian is given by the number of the range; for example, the first range of townships west of a given meridian is in Range 1 West, and so on, each north and south tier of townships being a range. Similarly distance north or south of the base line is given by the number of the township; for example, a township in the third tier of townships north of the base line is in Township No. 3 North. Thus any township in the public lands can be located by giving the township and range. Thus Township 10 North, of Range 5 West is in the tenth tier north of the base line and in the fifth tier west of the principal meridian.

Meridians converge toward the north, so that a township on the north side is a trifle less than six miles east and west. In order to keep the townships as nearly square as possible correction lines were made every twenty-four or thirty miles and a fresh start taken. The townships are subdivided into thirty-six sections, which are used in land measurements, and these again into quarter sections.

Organization and Powers. The state of North Dakota was divided into congressional townships by the survey of public lands, and whenever a majority of the legal voters in one of these townships having an assessed valuation of forty thousand dollars, and twenty-five legal voters, petition the board of county commissioners to that effect this board forthwith must organize it as a civil

township, which is a township with its own local government. This board fixes the boundaries of the township and gives it a name. When organized it is a body corporate. It may sue or be sued, own lands, and make contracts. It has only such powers as are given to it by the legislature. These powers are exercised by the electors acting in the annual township meeting or by the supervisors.

Township Meeting. The annual township meeting is held on the third Tuesday in March in each year at some place selected by the voters. This meeting is not held in the church now as it was in former times, as the church and government are not related as they were then. All of the electors present at the time the meeting is called are permitted to vote upon every question that is considered. This meeting is the legislative body of the township, and by-laws and regulations relating to township affairs may be adopted, but a by-law does not take effect until it is published by posting in three public places.

In these meetings the electors determine the number of pound masters to be chosen, elect township officers, authorize the bringing of suits, if necessary, make rules for impounding animals, vote aid to district fair associations, authorize construction of drainage ditches, fix penalties for violating the rules and regulations adopted, and act on recommendations of the board of supervisors for the expenditure of funds. They may also direct the supervisors to purchase supplies necessary to destroy noxious weeds.

Township Officers. The township officers chosen at the annual meeting each year are as follows: one of the

three supervisors constituting the board of supervisors for a term of three years; a township clerk, an assessor, and a treasurer, each for one year; a justice of the peace and a constable, each for two years. Any person who may vote at these meetings may be elected to office. The supervisors hold four meetings a year and have charge of all of the affairs of the township not in the hands of other officers, and make recommendations to the electors as to the expenditure of funds. The clerk has control of the records and papers of the township; the treasurer receives and takes charge of all township moneys and pays them over on order of the township officers; the assessor fixes the value of the property for the purpose of taxing it; and the justices of the peace and constables are the judicial officers.

Common School Districts. Another body politic usually bounded by the lines of the congressional township is the school district. While there are four different kinds of school districts in the state the common school district is the one generally organized. The congressional township is the unit of territory usually organized into such a district, but it is possible for a school district to consist of more than one congressional township, or of less, for districts may be divided or consolidated. The territory to be included in a district is organized by the county commissioners upon petition of the residents. Where the township is organized the district takes the name of the township. When organized each common school district is a public corporation and as such it may sue and be sued, make contracts, and acquire and hold property.

Officers and Powers. The school board of a common school district consists of three directors, one being elected each year at the annual election held on the first Tuesday in June, for a term of three years. A treasurer is elected



Modern Consolidated School
This school takes the place of seven scattered district schools. Children are brought from a distance in motor busses.

for a term of two years, and any one qualified to vote may hold any office. The school board selects a clerk, who performs the usual duties of the office. The regular meetings are held on the second Tuesday of January, April, July, and October of each year. The board has general charge and management of the schools, erects buildings, makes repairs, furnishes supplies, admits pupils of other districts under certain conditions, employs teachers, levies a tax on the property of the district each year not exceeding an amount fixed by law, permits the schoolhouse to be used for political or religious purposes without preference as to sects or politics, is required to plant trees and shrubs upon the school grounds, and gen-

erally may do whatever is necessary to conduct the school efficiently. There is provision for consolidation of schools where this will result in better service to pupils, and for the establishment of district high schools. The consolidation of schools has resulted in great improvement in the state's educational system.

Special School Districts. The cities and incorporated towns and villages which were common school districts in 1897 were made special districts by law, and a platted or incorporated city, town, or village, which is a part of a school district, under certain conditions may be organized into a special district. The change must be authorized by an election held for that purpose. Upon organization such a district also becomes a body corporate and then has the powers and duties of public corporations.

Powers and Duties of Officers. The affairs of the special district are managed by a board of education, consisting of five members whose term of office is three years. The board holds an annual meeting on the second Tuesday in July, and must meet as often as once a month in regular session. A clerk and treasurer are selected by the board of education. The board has power to establish graded, common, and high schools; to purchase, sell or erect rooms for school purposes; furnish supplies; take charge of all school property; employ teachers, including a superintendent of schools; adopt rules and regulations for the reception of pupils and their suspension or expulsion from school; make annual reports on July 1; admit pupils from outside the school district; and make an annual enumeration of the children within the district. The special district is distinguished from the common

school district particularly by the difference in its organization and the fact that the board of education has broader powers than the board of a common district. The district is sustained by a tax levied by the board of education each year on the property within the district not exceeding an amount fixed by law.

Other Districts. Certain cities in the state were organized for school purposes under special acts of the legislature. At the present time only a very few districts of this type remain.

The law permits districts of this kind to become incorporated as independent school districts when a change in organization is authorized by an election held upon petition of one eighth the legal voters. The board of education includes one member from each ward and when there is an even number of wards one member is elected at large, while if there is an odd number two are elected at large. The term of office is three years. This board is a body corporate with the usual powers of such bodies. It has the powers generally which are possessed by the boards of education of special districts. There are only a few districts of this kind in the state, and from the nature of the law authorizing them only a few additional districts of the kind can possibly be organized.

Powers Common to All Districts. All of these school districts have the power to borrow money by issuing bonds to purchase sites, erect suitable buildings, fund outstanding indebtedness, or to take up outstanding bonds. In most cases the bonds issued by common and special school districts must be authorized by an election held for that purpose. The board of education of an independent dis-

trict may issue bonds without authority of the voters. The trustees of districts organized under special acts have such powers as are granted in the acts.

SUPPLEMENTARY NOTES AND STUDIES

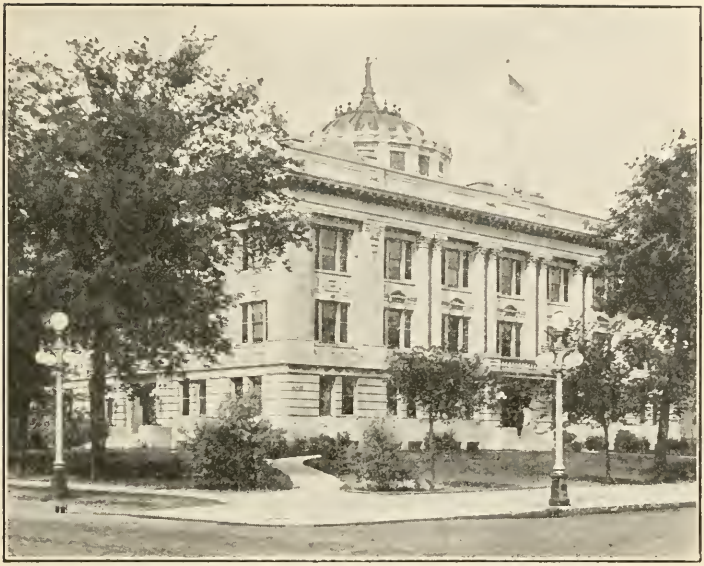
1. Name the officers of the township in which you live.
2. Did you ever attend a town meeting? If so, describe it.
3. How many townships in your county?
4. To what extent is the township government in our state truly democratic?
5. Why does the church no longer play a part in the local government?
6. What are the boundaries of your school district?
7. What equipment does your school need?
8. What is the meaning of a public school?
9. What is the argument in favor of it?
10. How are schools supported?
11. Should school buildings be used for any other purpose? If so, for what and why?
12. What is the description of the land or lot on which you live? Draw a map of it.

CHAPTER IX

THE COUNTY

Origin and Purpose. The county is a political subdivision of the state organized to simplify the administration of the state government in the particulars in which it requires local direction and control, such as local finance, education, provision for the poor, establishing and maintaining highways and bridges, preserving the peace, and administering the courts. It had its origin in England in very early times. It was at first called the shire, but was later called county also because the government so closely resembled the governments of the counts on the continent. The early English counties were independent governments which later were combined to form the English kingdom, and after the kingdom was organized they were continued as a part of the system of English government because they were found necessary to carry on local government and administer justice.

The idea was adopted from England by the colonies, with the distinction that the counties were created after the colonies were organized rather than before. The county is looked upon as a part of the state, and the state allows local officers to enforce in the name of the county certain rights and duties which otherwise would have to be enforced in the name of the state. In fact, therefore, the county is only a part of the machinery of the state



A Modern Courthouse (Courthouse at Grand Forks)

government which acts more as an agent of the state than as a division for local government such as the township or village.

Organization. In North Dakota the entire state has been organized into counties so that it is not possible to form new ones except by dividing one or more of those already organized. This has been done in a number of cases because the counties first organized were very large and division was found desirable. Such a division is made if a petition is presented to the county commissioners of the county or counties affected and at the next general election a majority of the voters favor division. The county seat is the city or village of the county at which

the county's business is transacted. This is located by vote of the people and may be removed if a petition signed by a sufficient number of voters is presented to the county commissioners and a majority of those voting on the question at the next general election favor removal.

When the county is organized it is a corporate body and may sue and be sued and make contracts. The local functions of the county are to levy and collect taxes, preserve peace, build and maintain highways, furnish relief for the poor, and erect buildings and other necessary public works. Besides this, it is an agent of the state to hold elections, record documents, keep public records, and administer justice. Its powers are exercised through a governing body which is known as the board of county commissioners, and other officers.

County Commissioners. A county may have either three or five county commissioners, as the people may determine. It is divided into as many districts as there are commissioners to be elected, and one is chosen from each district for a term of four years. The commissioners choose one of their number as chairman. This board is not a lawmaking body as is the city council, or board of city commissioners, of which we shall study in the next chapter, for the laws which govern the counties are made by the state legislature. In fact, the counties are little more than subdivisions of the state which are intended to make government more simple than it otherwise would be.

The duties of the commissioners are largely executive. They have power to bring suits for the county, take charge of all county property, appropriate money for county expenses, levy taxes, not exceeding an amount fixed by

law, on the assessed value of the property in the county, have the accounts of county officers audited, construct and repair bridges and lay out highways, establish election precincts, equalize assessments, furnish equipment and supplies necessary to carry on the county's business, and do all things which the legislature may require.

Other County Officials. The other county officers are elected, each for a term of two years. Two of these, the sheriff and the county treasurer, may not serve more than two terms in succession. The sheriff is the peace officer of the county, and is required to preserve the peace by arresting offenders and quieting disturbances. He also has charge of the county jail and of the prisoners in it. Among his duties is the delivery of legal papers to the persons who are to receive them in civil suits, and the conduct of sales of property under the order of the court in legal proceedings.

The clerk of the district court has charge of all the official records of that court and of the process of naturalization which has been discussed in an earlier chapter. The register of deeds keeps a record of all of the deeds, mortgages, and other papers affecting real estate in the county, and files chattel mortgages and bills of sale. The county treasurer receives all moneys belonging to the county and pays them out on order of the board of county commissioners.

The county auditor is the clerk of the board of county commissioners, and keeps a record of the proceedings of the board, and also must keep an accurate financial account with the treasurer. He draws all of the warrants on the county treasurer as the same are ordered by the

board of county commissioners. The state's attorney is the prosecutor of the county. He must see that the laws of the state are enforced and that those who violate them are brought to trial. He also is the legal adviser of all other county officials.

The county superintendent of schools has general supervision of the common schools of the county. He holds examinations for teachers, and teachers' institutes, and is the adviser of the teachers of the county as regards the instruction, government, and discipline of the schools. The coroner acts as sheriff when the sheriff is unable to act, and also holds inquests, that is, examinations, upon the dead bodies of persons who are supposed to have died by violence.

The county judge is the judge of the county court which is considered later as a branch of the judicial department. The public administrator takes charge of the estates of deceased or insane persons, or minors, if there are no heirs or other persons interested to look after them. The county surveyor has charge of surveys and lays out roads on order of the board of county commissioners, and does the engineering work necessary in building the county's highways.

County Finances. The county may borrow money under certain conditions. Where new debts are to be incurred for some lawful purpose, such as erecting county buildings, the question of issuing bonds must be submitted to the electors of the county for approval or rejection. If the debts already have been legally incurred and the county is unable to pay them bonds may be issued by the county commissioners. The commissioners in counties where

there has been a total or partial crop failure also have the power to issue bonds so they can furnish seed and feed to the farmers. Each one receiving aid of this kind must repay the amount.

SUPPLEMENTARY NOTES AND STUDIES

1. How many counties in this state?
2. Which predominates in local government in this state, the township or county?
3. What was the source of the name of the county in which you live?
4. Write a list of the county officials of your county.
5. Name five things which have been done by the county government.
6. Why is a legislative body for the county not necessary?
7. What is a warrant?

CHAPTER X

MUNICIPAL GOVERNMENT

Villages. Why and How Organized. Where many people live in a small area they have special needs. Streets must be maintained, special police protection provided, sidewalks built, street lighting and fire protection furnished, a water supply secured, provision made for sewage disposal, and there must also be provision for the care of the public health. In our state a government authorized to care for these needs is a municipal corporation and may be either a village or a city in form.

When an application is to be made for the incorporation of a village, the territory to be included in it must be surveyed, a map made, and a census taken. There then must be a petition of one third of the voters in this territory to the county commissioners asking for a village government. If the proceedings are regular the question is submitted to the voters in the proposed village at an election called for that purpose, and if a majority favor the village government it is incorporated and the territory divided into not less than three nor more than seven districts. The authority under which the village government is carried on in some states is called a charter, but in this state it is given its powers by a statute of the state.

Functions, Powers and Officers. When incorporated the village is a body politic and as such may bring and defend suits. It holds an election on the third Tuesday of March of each year for the election of officers. These officers are as follows: one trustee from each district into which the village is divided, a clerk, assessor, treasurer, marshal, and justice of the peace, each elected for a term of one year. The trustees together constitute the board of trustees, and select a president from their number. This board has the legislative and principal executive powers of the village. The board may purchase necessary real estate, organize fire companies and provide apparatus for them, construct and repair waterworks, sewers, drains, and a lighting system, take measures to preserve the public health, regulate peddlers and shows, lay out streets, build sidewalks, provide a jail for public offenders, levy and collect the annual taxes necessary to maintain the village government, not exceeding an amount fixed by law on the assessed value of the property, borrow money with the consent of the property owners, make ordinances and regulations for the village government, and generally do those things that are necessary to promote the welfare of the residents.

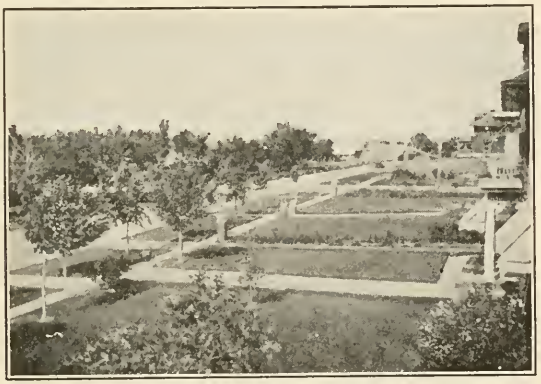
The village treasurer receives and pays out the village money; the clerk keeps the records and papers of the village; the assessor fixes the value of the property in the village for purposes of taxation; the marshal is the peace officer; and the justice of the peace has authority to hear and try all cases brought for violating the ordinances of the village, and in all other criminal and civil cases in the county has the same powers as other justices of the peace.

The City Problem. When a town or village has a population of at least five hundred people it may organize as a city. A city has all the elements of a village and is a municipal government, but it has more extensive powers than a village, so as the number of people increases it frequently is desirable to change a village to a city government. In some states each city must be granted a special charter when it is incorporated, and this charter defines the powers of the city, but in North Dakota there is what is called a general charter, that is, a state law, which applies to all cities except those which will be mentioned later.

In many parts of the country there has been a very rapid growth of cities. Those which have grown rapidly have presented a very difficult problem. This has been true especially of the larger ones. According to the census of 1920, nine per cent of the entire population of the United States lived in New York, Chicago, and Philadelphia. In some very large cities it is hard to elect good officers, for those who really desire good government take too little interest, and those who can profit by fraud and lawlessness are active in electing their representatives.

The same growth in the population of cities is found in other countries. There are many reasons for this condition. Fewer employees are required on farms than formerly because of the increased use of machinery. The production and transportation of food has become comparatively easy. Industries have increased so that factories have demanded many more employees than formerly. Then, too, there are certain advantages in life in the city, where schools often are more efficient and there

are other means of education which attract many people. Undoubtedly, too, some go because of the excitement and pleasure which the city affords. As the food problem is becoming more serious rural life must be made so at-



A Well-kept City Street

tractive that the younger people will remain in the country and increase the supply of farm products. The problem of city government is not so important in agricultural states because in them the cities are comparatively small.

Organization and Functions of Cities. When a city organized under a special charter, or a village, has the necessary population, a petition may be presented to the city council of such city or the trustees of the village, as the case may be, for incorporation as a city under the general charter. The question must be voted on by the electors and if the majority favor a city government it is organized. The functions of the government are as follows:—keeping order, maintaining and caring for streets, preserving the public health, furnishing a water

supply, securing fire protection, caring for the poor and needy, and providing for garbage and sewage disposal and for city lighting and recreation.

The City Council. The city council consists of the mayor and two aldermen from each ward, elected for a term of two years. The council is the legislative body of the city; it controls the finances and property of the city, appropriates money for city use, levies and collects taxes, borrows money under certain conditions with the consent of the people, lays out streets and regulates the use of them, provides for water and light, builds and regulates the use of sidewalks and streets and sewers, licenses certain occupations such as peddling, erects and maintains city buildings, such as a city hall, city jail, library, and city hospital, establishes parks, playgrounds, and other places of recreation, provides a sewer system and arranges for the disposal of garbage, preserves order through the police department, confirms or rejects the mayor's appointments, passes ordinances intended to protect the health and to provide for the comfort, safety, and well-being of the people, and exercises all of the powers which are granted to it by the legislature from time to time.

Its legislative acts are known as ordinances. Proposed ordinances must be read twice before they are passed, and must be approved by the mayor or passed over his veto. The council holds its regular meetings the first Monday of each month. These are presided over by the mayor, who has no vote except in case of tie, when he casts the deciding vote.

Other Officers. The elective executive officers of the city are the mayor and a city treasurer, who are elected

for terms of two years each. The annual election is held on the first Monday in April. The mayor is the chief executive officer of the city, whose duty it is to see that the city laws are enforced. He may remove any officer appointed by him. The treasurer performs the usual duties of that office. In addition the mayor, with the consent of the city council, appoints a city auditor, who is the clerk of the city, a city assessor, who fixes the value of the property for taxation purposes, a city attorney, a city engineer, and such other officers as the council considers necessary.

The judicial officers are a police magistrate and a city justice of the peace, who are elected by the people for terms of two years each. The police magistrate has exclusive power to hear and try all offenders against the ordinances of the city. He has the same power, aside from this, as other justices of the peace in the county, and the city justice has the usual powers of a justice.

Commission System. So much criticism has been made of city governments because in many cases cities have been poorly governed, that efforts have been made to improve the form of city government which we have just studied. In 1901 there was a great flood at Galveston which destroyed a large part of the city so that it had to be almost entirely rebuilt. That was thought a good time to make a change in its government, so the commission plan was adopted. This plan is to put the legislative and executive powers all into the hands of five or seven commissioners. They take the place of the old city council and the chairman presides over the body. This system of government was adopted by Des Moines

in 1907 and from that time spread rapidly over the country.

The same year a law was passed in North Dakota which permits the adoption of the commission system upon petition of one tenth of the voters filed with the village or city officers and a majority vote of the electors at an election called for that purpose. Under the plan five city commissioners are elected, each for a term of four years, one of whom is elected president. Together they constitute the board of city commissioners, which has regular meetings once each week. This board has substantially the same powers as the city council of cities organized under the other plan. The president of the board presides at the meetings, but he does not have the veto or appointing power which a mayor has. The laws passed by the board are called ordinances.

The executive work of the board is divided among the members if they so decide. One then is appointed police and fire commissioner, whose duty it is to enforce the police regulations of the city and supervise the fire department. One is commissioner of streets and improvements, who has general charge of streets, alleys, street lighting, and all public improvements and public health. The waterworks and sewage commissioner has charge of waterworks and sewage of the city and enforces all regulations concerning these. The commissioner of finance and revenue has supervision of the assessment and collection of taxes and city finances.

The commissioners appoint all other officers of the city, except the police magistrate and city justice of the peace, who are elected at the biennial election on the first Tuesday

in April, each for a term of two years. The appointive officers are treasurer, auditor, attorney, assessor, physician, street commissioner, chief of fire department, city engineer, chief of police and other policemen, and other officers that may be found necessary.

At first the commission system was criticized for placing too much power in the hands of a few, but it has many advantages. It makes only a short and simple ballot necessary, and places the responsibility on a few men. It also is more economical and creates greater interest in the city government and the men who run it.

City Manager. Many people interested in better city government have tried to improve on the commission system and in a number of states they have tried a plan which carries that system further than it was carried originally. This is the city manager plan, which was authorized in North Dakota in 1919, for such cities as vote to adopt it.

If twenty-five per cent of the voters in a city in this state petition the council or city commissioners, an election is held to decide whether the plan shall be adopted. If it is adopted the council or commissioners, whatever the city government may be, select a manager, who is responsible to the legislative body for the proper administration of all the affairs of the city. He, therefore, must make all appointments to office and has the power to remove his appointees. He fixes the salaries of those he appoints, and defines their duties.

A city manager should be an expert in city affairs. He must understand city business and is really the agent of the city legislative body, which acts much as a board

of directors of a corporation. Where this plan is adopted the board of city commissioners remains largely a legislative body the same as a city council in cities having the other plan. The system is more economical and places the responsibility on one individual. It has been very successful in Dayton, Ohio, where it was first tried, and in other cities.

Initiative, Referendum, and Recall. In cities having the commission plan of government the people have the right to initiate city ordinances. To do this a petition signed by fifteen per cent of the electors is presented to the commissioners, asking that a certain ordinance be submitted to the people for a vote. The commissioners may pass it and make it a city law, or they may submit it to the voters for their action, and if the latter is done a majority vote in its favor makes it a law of the city.

In the same way, if ten per cent of the voters of the city, within a certain time after an ordinance is passed by the city commissioners, petition that the voters be permitted to vote upon it, the commissioners must call an election for that purpose, and if a majority of the voters approve it, it remains an ordinance, but if they disapprove, it is repealed.

It is provided, too, that if thirty per cent of the voters file a petition that a certain officer of the city be removed on some ground or for some reason, which must be stated, an election can be called to decide whether the officer shall remain in office. At this election other candidates may be voted for also, and if the officeholder receives the largest number of votes he serves the remainder of his term. If some other candidate receives the highest

number, the officeholder is recalled, and the remainder of his term is served by the one elected.

SUPPLEMENTARY NOTES AND STUDIES

1. If you live in a village or city, is it growing? If so, why? If not, why?
2. If you live in a village or city when was it organized?
3. Write a list of suggestions for the improvement of your municipal government.
4. Why should it be more difficult to govern a city well than a state?
5. What are the advantages of a city over a village organization?
6. What taxes does your city raise annually?
7. Resolved that the city manager plan is an improvement over the commission plan.
8. What is the necessity for village or city organization?
9. Make a list of officers of the city or village in which you live.
10. Have a member of the class describe a trip to a large city.
11. Does your city own its water supply? Electric lighting plant? Gas plant? Should it do so? Why?
12. Examine the last ordinance passed by your village or city government, and the minutes of the proceedings of that meeting.
13. What cities in the state have adopted the city manager plan?

CHAPTER XI

THE STATE GOVERNMENT: ITS ORIGIN, FUNCTIONS, AND CONSTITUTION

Origin. State governments in this country were first organized before the Declaration of Independence. These continued to be the principal government until the federal constitution went into effect, for as will be seen each state was in effect an independent nation. On May 10, 1776, when it was seen that the trouble with Great Britain might not be settled, all of the colonies were advised to form a complete government so they could be independent of the mother country. Some of the colonial assemblies passed bills arranging for new governments or asked for the election of delegates to a convention to make a constitution. In making the state constitutions the colonial charters were followed to a large extent. The charters in Connecticut and Rhode Island were so complete and satisfactory that very slight changes were made. In the former state a new constitution was not adopted until 1818, and in the latter not until 1842.

As these constitutions were being formed at a time when there was much discussion of the rights of the people, Virginia, in the one adopted by it, included a bill of rights intended to keep the new government from interfering with the liberty of individuals. Most of the other states followed this course, and in Massachusetts

the people of the state were permitted to vote on the constitution and adopt it themselves. At this time the people were afraid of governors and rulers so that they provided for officers who had less power than our governments generally give them to-day.

Powers and Duties. We have seen that the government of the United States has only those powers which were granted to it by the people acting through the states. The president and the members of congress are elected by the states, or by districts laid out by the states, and all of the local governments which we have studied are provided for by state law, so it can be seen that the state has been an important force in creating both the national and local governments.

The states are protected in part by the national government. They are assured a republican form of government, are protected against foreign invasion and mob violence at home, can send representatives to congress, have a part in electing the president, and may vote on amendments to the federal constitution. On the other hand they are prohibited by the national constitution from entering into treaties, coining money, issuing paper money, passing bills of attainder or *ex post facto* laws, granting titles of nobility, abridging the rights and privileges of citizens, and refusing any citizen the right to vote on account of race, color, previous condition of servitude, or sex. They cannot, without the consent of congress, lay import or export taxes, or tonnage duties, keep ships of war in time of peace, make treaties with other states or foreign countries, or engage in war unless invaded or in danger of invasion.



The State Capitol, at Bismarck

The states by their membership in the union are bound to observe the constitution of the United States with all of its amendments, and the laws of the United States and its treaties. They must also conduct the election of president and vice president, and it was settled in the Civil War that they cannot withdraw from the union. In addition to this they must give full faith and credit to the public acts and judicial records of each other, and each must give all of the privileges and immunities to the citizens of another state that are enjoyed by its own citizens, and must return fugitives from justice to the states demanding their return.

Functions of the State. The state government of course cannot exercise any of the powers which have been granted to the federal government, but many other powers

remain. The national and state governments each must exercise its powers so as not to interfere with the free exercise of the powers of the other. On certain subjects either congress or the state may legislate, but when the congress does legislate its acts are the supreme law and the state must comply with them. If congress is silent the state may enact its own laws on such subjects as bankruptcy, regulation of railroad rates within the boundary of the state, and equipment of trains used in interstate commerce. In its exclusive field it defines what acts shall be considered crimes within the state and provides for their punishment, makes laws relating to the property rights of individuals, provides for education, taxation, elections, and the protection of the public health. It also makes regulations for industries, factory inspection, and the labor of children and women, enacts a system of laws for the control of business in the state, and provides for the county, town, city, and village governments, and the administration of the courts.

The State Constitution. We have already seen that a constitution as it is known in this country is a written document which states the fundamental rules of government. In this respect the purpose of the state constitution in North Dakota is the same as was the purpose of the federal constitution, though it does not have the same kind of preamble. Our state constitution was adopted by vote of the people on October 1, 1889, and the state was admitted to the union on November 2, 1889. The constitution was prepared by the constitutional convention, which was called by an enabling act passed by the United States congress on February 22 of the same year. This

convention consisted of delegates from different counties of the state; they met at Bismarck.

Judge Thomas Cooley of Michigan, the most distinguished constitutional lawyer then living, in advising the convention, urged that the constitution be made brief and that it state only the general principles of government instead of legislating in it so as to tie the hands of the people in future legislatures. This advice was disregarded and the constitution we now have is six times as long as the constitution of the United States. It contains many provisions which are legislative in character.

The first division of the constitution is a declaration of rights, which contains about the same provisions as were found in the bill of rights of the federal constitution, which we already have studied, so that the people of the state have the same protection against oppression by the state government that is given to them by the bill of rights against oppression by the federal government. The state government is divided into three departments, legislative, executive, and judicial, and in its provisions is very much the same as are the constitutions of other states.

Amendments. The constitution may be amended in the following manner: An amendment may be proposed in either house of the legislative assembly and if a majority of the members elected to each house shall approve it must be submitted to the people, and if a majority of the votes cast are affirmative it becomes a part of the constitution. It also may be amended by the initiative; that is, if a petition for the proposed amendment is signed by 20,000 electors of the state and is filed with the secre-

tary of state at least one hundred twenty days before the election at which it is to be voted upon, it shall be submitted to the electors and if a majority of the votes cast are affirmative it becomes a part of the constitution. Forty amendments to the constitution have been adopted. Excepting the provision for the initiative, referendum, and recall, which will be discussed further, these amendments do not change the fundamental principles of our state government.

SUPPLEMENTARY NOTES AND STUDIES

1. Compare the declaration of rights in the state constitution with the bill of rights in the United States constitution and point out the differences.
2. How many amendments to the state constitution have been adopted? What was the reason for adopting them?
3. Have any proposed amendments been defeated?
4. Examine the constitution and state if you think it wise to have it so long, and to have in it so much legislation.
5. What do you think the most important provision in the state constitution? Why?

75869A

CHAPTER XII

THE STATE: LEGISLATIVE DEPARTMENT

Branches of Legislature. The legislative department, or legislative assembly, consists of two houses, the senate and the house of representatives. The state is divided into forty-nine legislative districts, and each of these districts is represented in the senate by one senator, and in the house of representatives by representatives numbering from one to four. The members of the house number one hundred thirteen. The aim in making these districts is to have the several senators and representatives represent about the same number of people so far as this is possible. The term of office of senators is four years and that of representatives two years.

To be a senator one must be a qualified elector in the district from which he is chosen and be twenty-five or more years of age. To be a representative one must be a qualified elector in the district from which he is chosen, and be at least twenty-one years of age. A person cannot be elected to either house unless he has resided in the state for two years before his election. Each member of the assembly receives five dollars a day for his services, and ten cents for every mile of necessary travel in going to and returning from the place of meeting of the assembly.

Each house decides whether its members have been properly elected and if they are qualified to serve. A



THE SENATE OF NORTH DAKOTA IN SESSION

majority of the members of each house is a quorum, that is, a sufficient number to transact the business of the house. Each house also makes its own rules for doing business and punishes its members for disorderly behavior. By a two-thirds vote it may expel a member but may not punish by imprisonment for more than thirty days. The members of the legislative assembly, in all cases except treason, felony, and breach of the peace, are privileged from arrest during their attendance at the sessions of their respective houses, and for words used in any speech or debate they shall not be questioned in any other place. Each house keeps a record of its proceedings, and a yea and nay vote must be taken on any question at the request of one sixth of those present. Unless there is some special reason for keeping business secret the session must be public. The two houses together are called the legislative assembly. They meet at the state capital on the first Tuesday after the first Monday in January of each odd-numbered year. No regular session can exceed sixty days in length.

Organization. The senate, which is called the upper house, is presided over by the lieutenant governor of the

state. He has no vote except in case of tie, when he casts the deciding vote. At the beginning of each regular session of the senate it must elect one of its members president pro tempore, who acts as presiding officer whenever the lieutenant governor is absent.

The presiding officer of the house is a speaker, who is elected by the members of the house from among their own number. The house also elects a chief clerk and assistant clerk, whose duty it is to keep a journal of the proceedings of the house and a complete record of everything taking place in its sessions. In the senate the record is kept by the secretary and his assistants. Each house has a sergeant-at-arms whose duty it is to preserve order and to bring absent members to their seats when their presence is necessary to make a quorum. There also are several minor officers. To do the work of the assembly more readily committees are appointed in each house, the following being among the principal ones: judiciary, finance, elections, municipal corporations, education, labor, agriculture, public buildings, insurance, highways, temperance, and corporations other than municipal. These officers and committees make what is called the organization of the assembly.

Powers of the Legislature. By adopting the constitution the people defined the powers of the legislature. As we have seen, the people themselves possess all the power of government, and the officers who represent them have only such powers as the people grant to them. The legislature was expressly granted the power to pass all laws necessary to give effect to the provisions of the constitution. Since the constitution of the United States and

the federal laws are the supreme law of the land the legislature may not pass any law which violates these, and neither may it pass a law which violates the state constitution, but with these exceptions it has few limitations.

It may create offices and fix their duties, prescribe what acts shall be crimes and how they shall be punished, make the rules regarding property and its transfer in the state, regulate the state's industries, partnerships, and corporations, and make such laws regarding marriage, divorce, wills, insurance, public health, education, public improvements, and other subjects as may be necessary to promote the welfare of the people. It cannot make special laws for particular individuals and corporations in many matters which are enumerated in the constitution. In other cases it must not make special laws where a general law can be made applicable.

The Making of a Law. A proposed law is called a bill. When a new law on some subject is desired, a bill is prepared by or for a representative or state senator. We will assume that the bill proposed provides that all children between the ages of twelve and fourteen years shall attend a public school each year during the entire time the schools are in session and specifies the cases in which attendance may be excused. The purpose of the bill must be stated in its title, and only one purpose can be stated there. The bill is introduced by the member by giving it to the chief clerk of the house of which he is a member, who reads the bill to the house at length. This is the first reading, and is followed immediately by the second reading which is done by reading only the title of the bill unless reading at length is demanded. The

speaker then refers it to the proper committee, which, in this case, is the committee on education.

The bill is considered by this committee and if it meets the approval of the majority of its members it is recommended for passage with or without amendments as may be determined. When the committee reports a bill recommending passage it is given its third reading, which must be at length, and upon its consideration amendments may be proposed. After discussion the final vote is taken by yeas and nays and if a majority of the members elected to the house vote in favor of the passage of the bill it is sent to the other house where it is put through a similar course. If the committee to which the bill is referred opposes its passage it recommends indefinite postponement. When a bill is indefinitely postponed it is said to be "killed."

A bill may be introduced in either house and if passed by that house may be amended by the other, but in each house it must be read three times, and only the first and second readings may be upon the same day. The first and third readings must be at length. If the bill is approved by the second house it must be signed by the presiding officer of each house in the presence of the members. It is then ready for the signature of the governor, and it may become a law in any one of three ways: (1) If it is signed by the governor it becomes a law. (2) If he returns it with his objections to the house in which it originated, the return is called a veto. In case of veto the house and senate may reconsider the bill, again pass it, and if it is approved by two thirds of the members elected in each house it becomes a law without the signa-

ture of the governor. (3) If the governor does not return the bill within three days, Sundays excepted, after it is presented to him it becomes a law unless in the meantime the legislature has adjourned, and in this case it becomes a law unless he files his objections in the office of the secretary of state within fifteen days after adjournment.

Initiative and Referendum. The constitution has been amended so that a law may be enacted by initiative. If ten thousand electors propose a law by a petition which contains the full text of it and file this with the secretary of state at least ninety days before the election at which it is to be voted upon, the measure is submitted to the voters at the next state-wide election, or a special election may be called by the governor. If a majority of the electors approve the law it goes into effect on the thirtieth day after the election, unless the law itself provides otherwise.

It is provided also that if seven thousand electors file a petition with the secretary of state against some bill that has been enacted into law, not more than ninety days after the adjournment of the legislature at which it was enacted, it must be submitted to the people at the next state-wide election, or at a special election called by the governor. If it is rejected by a majority of the votes cast on it, it is repealed. This is called the referendum, and it and the initiative are intended to give the people larger power in passing or repealing laws. The initiative and referendum are authorized now in a large number of western states, among them South Dakota, Oregon, Nebraska, Oklahoma, and Arizona.

While the initiative and referendum give more power to the people they make the legislature of less importance than it formerly was. They make the government a little more democratic because they give every voter an opportunity to express his views on the proposed laws. One objection is the difficulty in having all of the voters understand the legislation well enough so that it can be said they will act wisely when they come to vote. There is danger in all states of having too much legislation. Great numbers of laws are passed at every session of the legislature, and with the power to initiate and refer measures the people have been voting at nearly every election on laws proposed to be passed or rejected.

SUPPLEMENTARY NOTES AND STUDIES

1. Has there ever been any movement for the revision of the state constitution? If so, when?
2. Do you think the initiative and referendum wise provisions? Give reasons for the answer.
3. Define the following terms: log-rolling, lobby, pocket veto.
4. What is the purpose of the two branches of the legislature?
5. What vote is necessary to pass a bill over the governor's veto?
6. What are the boundaries of your senatorial district?
7. Has the referendum been used in this state? If so, when and on what measures?
8. Name two laws that have been initiated by the people and passed by them.
9. Does the state legislature make all of the laws that we are required to obey? If not, name other lawmaking powers.

CHAPTER XIII

THE STATE: EXECUTIVE DEPARTMENT

The Governor. The principal executive officer of the state is the governor, who must reside at the state capital and whose term of office is two years. He must be a citizen of the United States and an elector of the state, at least thirty years of age, and must have lived in the state at least five years preceding his election. We have seen that he has the power to approve or veto the acts of the legislature.

As chief executive he is the commander in chief of the military and naval forces of the state, except when they are called into the service of the United States, and he may call upon them to suppress insurrection and repel invasion. It is his duty to call the legislature into special session if this becomes necessary, and to make a report to each legislative assembly giving information as to the condition of the state and recommending such measures as he may think wise. He must see that the laws are faithfully enforced.

The governor makes appointments to such offices as the legislature may prescribe. In case some one accused of crime escapes from the state, he makes a demand, called a requisition, upon the governor of the state where the accused may be found, and returns fugitives to other

states upon demand of their governors, and performs such other duties as the legislature may from time to time require. He is a member also of the following state boards: equalization, university and school lands, State Historical Society, auditing board, banking board, board of pardons, industrial commission, budget board, emergency commission, guaranty fund commission, and highway commission. His salary is five thousand dollars a year.

The lieutenant governor must have the same qualifications as the governor and performs the duties of the governor during a vacancy in that office or in case of the governor's inability to act. As we have seen, he is also president of the senate.

Other Elective Officers. At each general election the following officers are elected, each for a term of two years: secretary of state, state auditor, state treasurer, attorney-general, commissioner of agriculture and labor, superintendent of public instruction, commissioner of insurance, and three commissioners of railroads. Any elector of the state who is a citizen of the United States and twenty-five years of age is eligible to these offices, but the state treasurer can hold that office only two terms in succession.

The secretary of state has charge of all the acts and resolutions and journals of the legislative assembly and of the great seal of the state. He keeps a record of all the official acts of the governor, affixes his seal to commissions and pardons, and other public papers, has charge of corporate records, and is a member of a number of state boards.

The state auditor superintends the financial affairs of the state, furnishes a complete report of the finances to the governor, keeps accounts with all state officers, issues all warrants to the state treasurer, and generally may be said to be the state's bookkeeper. He is a member also of a number of boards.

The state treasurer receives all moneys belonging to the state not required to be kept by other officers, pays out the same upon proper warrants, keeps account of the different funds, makes regular reports to the state auditor, and serves also as a member of certain boards.

The attorney-general is the attorney for the state in all suits in which it is interested, advises state's attorneys and officers of the state and the legislative assembly upon legal questions presented to him, and acts as a member of a number of boards.

The commissioner of agriculture and labor collects statistics regarding agriculture and labor and furnishes information with reference to these subjects. He is the state statistician, and has much to do with the encouragement of agriculture and the improvement of agricultural conditions. He is a member of many of the public boards.

The commissioner of insurance authorizes insurance companies to do business in the state, receives their reports, makes an annual report, and enforces the insurance laws. He also has supervision of the hail insurance department, which insures the crops raised in the state.

The superintendent of public instruction has general supervision of the educational system of the state, advises county superintendents regarding school matters, prepares an annual report, apportions school funds, prepares

the courses of study, issues certificates to teachers, and serves as a member of the board of university and school lands, the state board of administration, and other boards.

The board of railroad commissioners consists of three members who have general supervision of the railroads of the state, have power to increase or decrease rates, order improvements in railroad equipment and connections, supervise the public utilities by fixing rates and ordering changes in the service they furnish, and have charge of the licensing of elevators.

State Boards. Several boards consisting of elective officers have important administrative functions. The board of university and school lands is charged with the supervision and investment of all funds derived from the sale and rental of school lands granted to the state for the common schools and other public institutions. The banking board supervises the banking business within the state carried on by state banks. The state auditing board passes upon all claims filed against the state. The state board of equalization equalizes the values of property fixed for purposes of taxation between the counties and determines the amount of taxes levied for state purposes. The emergency commission is authorized to transfer money from one fund to another in case the need arises, and the industrial commission to manage the state bank, elevators, mills, and other state industries.

Appointive Officers and Boards. The following officers are appointed, all except the dairy commissioner being appointed by the governor: a bank examiner, to examine the banks and various state, county, and city officers; a state engineer to do the engineering work for

the state in connection with the construction of bridges and highways; a fire marshal to improve fire protection; a hotel inspector to examine hotels and see that they comply with the law; a dairy commissioner to encourage the dairy industry; a tax commissioner to supervise the tax laws of the state; a pure food commissioner to enforce pure food laws, who is also ex officio oil inspector to examine oils coming into the state; an immigration commissioner to encourage immigration; a mine inspector to see that mining laws are obeyed; and a grain inspector to enforce grain grading laws.

The following boards, wholly or partially appointive, also have important administrative functions: the highway commission to build roads; the guaranty fund commission to supervise the payment of depositors in banks which have failed; the board of administration to control the state educational, charitable, and penal institutions; the board of pardons to consider applications for release from the penitentiary and industrial school; the game and fish commission to supervise the protection of game and fish; the board of health to make health regulations and to enforce health laws; the workmen's compensation bureau to manage the insurance of those who are injured in industry; the budget board to prepare a budget of state expenses to submit to the legislature. There are other boards which have to do with the licensing of persons to engage in certain professions or occupations such as the boards of medical examiners, state bar board, and other boards of similar character.

Criticism of Executive System and Remedies. There has been much criticism of the executive system in

recent years. The tendency has been to increase the number of officers and boards until their maintenance has become burdensome. The students of government have come to feel that there is too little coöperation between the various departments of the several state governments; that there is extravagance in the creation and the administration of offices; that too much politics has been permitted to enter into the selection of appointive officers and the performance of their duties; that officers have too little sense of their responsibility to the public; and that by proper coöperation and a coördination of the departments, the business of the state could be conducted with fewer officers and a smaller outlay. The budget system or efficiency commissions are suggested as means of promoting economy, and the short ballot, civil service reform, impeachment, and the recall as suitable measures to secure efficient and honest official service.

Civil Service. Civil service reform has been advocated for many years, its purpose being to have appointive officers and government employees selected upon competitive examination because of their merit and fitness for the duties to be performed. The system has been used successfully in the federal government. In the state, appointments to such positions are made largely to reward appointees for political loyalty and service. In North Dakota there is no provision for the merit system of civil service.

Budget System. Because of the alleged extravagance of government there has been a very strong movement in favor of a budget system, which is being adopted by the national and many state governments. The purpose is

to have the needs of each office or department of government thoroughly examined by men who are qualified to pass upon the needs and as a result greater economy in administration is thought possible. The system is still in the experimental stage. Efficiency commissions are authorized in some states to accomplish the same results.

Short Ballot. The short ballot is advocated as a means of securing more efficient officers. The plan is to reduce the number of elective officers and place the responsibility for administration upon these. The idea is the same as that underlying the commission form of government and the city manager plan and has met with favor.

Impeachment. The house of representatives has the sole power to impeach an officer. The governor, and other state and all judicial officers, except county judges, justices of the peace, and police magistrates, are liable to impeachment for habitual drunkenness, crimes, corrupt conduct, malfeasance, or misdemeanor in office. If an officer is accused of one of these offenses the accusation may be presented to the house of representatives and if it is adopted by a majority of the members elected the officer is impeached. A trial upon the charges is then held in the senate, and if the senate, by a majority vote of the members elected, finds the person guilty he may be removed from office and thereafter may not hold any office of trust or profit under the state.

Recall. Within recent years the recall has been adopted in a number of states. This is now provided for by constitutional amendment in North Dakota. Its purpose is to make it possible to bring to an end the term of office

of an officer who for some reason does not meet the favor of the public. To secure removal in this way thirty per cent of the qualified electors of the district from which an officer was elected who voted at the preceding election for the office of governor must file a petition for his recall with the secretary of state, who thereupon calls an election at which the officer and other candidates are voted upon the same as at a general election, and the one receiving the highest number of votes is elected to complete the unfinished portion of the term. If the former officeholder is defeated he is said to be "recalled." By 1922 three state officers had been retired from office by this method.

SUPPLEMENTARY NOTES AND STUDIES

1. In trying an impeachment case is the senate a legislative or a judicial body?
2. Have you ever heard of the governor's Thanksgiving Proclamation? What does "proclamation" mean?
3. Make a list of seven elective officers of the state.
4. Can the governor call or adjourn the legislature?
5. Can you suggest some reductions that might be made in the number of officers in the state?
6. How could you reduce the commissioners or boards?
7. How would you remove a state officer who fails to perform his duties?
8. Has the governor the power of removal of any state officer? If so, which?
9. Who is at fault if the law is not enforced in your community?
10. Should more power be placed in the hands of the governor? If so, why?
11. Resolved, That all executive officers, except the governor and lieutenant governor, should be appointed, and that all appointive officers should be placed under the merit system of civil service.

CHAPTER XIV

THE STATE: JUDICIAL DEPARTMENT

The Judicial System. The judicial system of the state of North Dakota consists of supreme, district, county, and justice courts, and the municipal courts created by law for cities and villages. The justice and municipal courts are called inferior courts and have authority to try trivial cases. There are provisions for appeals from justice and municipal courts and the county court to the district court, and from the county and district courts to the supreme court.

A board of conciliation, consisting of conciliators appointed by the district court, is organized in each county to settle disputes, if possible, between persons where the amount involved is less than two hundred dollars. One conciliator may act alone and proceeds very much as a justice court in trying to make the settlement, and if he fails in his efforts a suit can then be brought and the case tried in the courts in the usual way. If a settlement is made it is reported to the district court where it is given the effect of a judgment. The boards of conciliation and conciliators have some judicial powers, but are not courts in the strict sense.

Inferior Courts. All counties, townships, villages, and cities elect justices of the peace. Any of these justices has authority, which is called jurisdiction in the case

of courts, to try all civil cases within the county in which the justice holds office, when the amount involved does not exceed two hundred dollars. He has the same power to try a case up to this amount as the district court. The case may be heard by the justice, or if a jury is demanded, it may be tried before a jury of six electors. The defeated party has the right to appeal to the district court, if he is dissatisfied, and there his case is tried anew.

Except in counties where the county court has increased jurisdiction, any of these justices also has the power to hear criminal cases where the fine does not exceed fifty dollars, and where the punishment does not exceed thirty days in jail, and if the defendant demands a jury trial a jury of six is selected to try the case. Upon conviction an appeal may be taken to the district court and a new trial had. Any of these justices also may sit as a committing magistrate to bind over to district court persons accused of crime, as we shall see in a later chapter. In addition to all of these powers the police magistrate of a city has the power to try all cases of violation of the city ordinances, and a village justice of the peace has the power to try all violations of the village ordinances.

County Courts. Each county in the state has a county court, which must keep records of all of its proceedings. It is the only court which has jurisdiction in probate matters. If a deceased person has left a will disposing of his property the will is proved and given effect in this court. If the judge allows it as a will an executor is appointed, if one is named in the will, to carry out its provisions. Otherwise this is done by an administrator appointed by the court. If a person dies without having

made a will, the court, upon proper application, appoints an administrator to look after the affairs of the estate and the property is distributed according to law. The court also appoints guardians for the persons and the estates of minors or insane persons, and persons who are otherwise incompetent to look after their business. The county judge examines the accounts of the executors, administrators, and guardians appointed by him and authorizes them to sell property when necessary to do so, and sees that they perform the duties of their offices. He also hears applications for mothers' pensions and marriage licenses and acts upon them.

In counties having a population of two thousand or more the voters may by a majority vote give the county court what is called increased jurisdiction. If such jurisdiction is given, this court has probate jurisdiction and in addition may try civil cases where the amount in dispute does not exceed one thousand dollars, and all criminal cases which are known as misdemeanors. In a county where the jurisdiction is increased in this way all cases of misdemeanors must be tried in the county court, and in those counties the justices of the peace do not have such power. Where the court has increased jurisdiction the judge must be a lawyer the same as a district judge, but where that court has only probate jurisdiction any elector may hold the office.

District Court. The state is divided into six judicial districts and two or more judges are elected in each of them, the total number of judges now being fifteen. To be eligible to this office one must be learned in the law and be at least twenty-five years of age and a citizen

of the United States. This court has general jurisdiction in all civil cases and in all criminal cases growing out of violations of the state laws and has the power to issue certain writs, such as the writ of habeas corpus, whose nature you have studied. This court also has authority to hear appeals which have been taken from justice or county courts. Those cases which are appealed to this court are tried anew.

In all cases in the district court where the defeated party feels aggrieved by the result of his suit an appeal may be taken to the supreme court. All criminal cases and suits at law in the district court are tried before a jury of twelve men. Suits at law are such as would have been brought at common law before our national government was organized. The suits in equity are tried by the judge without a jury.

Supreme Court. The supreme court of the state consists of five judges, each elected for a term of six years. To be eligible to this office a person must be learned in the law, a citizen of the United States, and at least thirty years of age. The work of this court in large part is hearing appeals which are taken from the district courts or the county courts of the state. When an appeal is taken the record of the proceedings in the lower court, including the evidence heard there, is sent to the supreme court and is reviewed by its judges. If they find that some error has been made by the lower court the case is sent back for a new trial, or for some other correction in the decision as the court may find wise. The court also has original jurisdiction in some cases. This means that certain lawsuits may be started in supreme court and the

final decision given by that court. Such cases, however, are very rare.

SUPPLEMENTARY NOTES AND STUDIES

1. Make a list of the counties in your judicial district.
2. Write the names of the judges of the supreme court, district court of your district, justices of the township, village, or city.
3. What is the danger in electing judges for a short term?
4. What do you think the best way to select judges? Why?
5. If a man owes you fifty dollars in what court can you sue him for it?
6. To what court would you appeal from a decision against you?
7. If a man owes you five thousand dollars in what court can you sue him for it?
8. What appeal would you have if you lost?
9. If a man were charged with murder in what court would he be tried? A man charged with vagrancy?

PART III. NATIONAL GOVERNMENT

CHAPTER XV

CONDITIONS LEADING TO INDEPENDENCE

Colonists Inherited Rights of Englishmen. For several centuries before the American colonists sought independence, the rights of Englishmen had been growing. Charters had been granted even before Magna Charta. William the Conqueror had given certain privileges to the people of London, and Richard I undertook to raise revenue by selling charters. We have seen how important Magna Charta is as the first of the great charters of English liberty. In succession came the Petition of Right, the Habeas Corpus Act, and the Bill of Rights, by which were granted and promised to the people of England the enjoyment of those rights which the Americans later in the Declaration of Independence called "unalienable."

Though they had left the mother country in part to find greater liberty, most of the colonists had gathered their ideas regarding the rights they wanted to be free to exercise, from the rights given the people of England by these great charters. Those rights belonged to them as English freemen and formed the standard by which they judged the justice of the government under which they lived.

Colonial Conditions. The physical conditions under which the colonists lived made it necessary for them to

share in government. The settlements in the north were small and compact and as the problems of government for the little communities arose, the participation of those living in each community was necessary. Thus the New England town developed naturally, with the right of each settler to a voice in the town gatherings. Though the settlements in the south were less dense, the problems presented were just as important, and as the participation of the settlers directly was more difficult there a representative county system grew up. As the town developed in the north and the county in the south, the colonists who participated in these local governments became more and more independent in their attitude toward foreign rule.

In forming the Mayflower Compact the Pilgrims had made an agreement which gave them confidence in themselves and an assurance of strength in their unity. As the colonial governments developed, the liberal charters of Rhode Island, Connecticut, and Pennsylvania encouraged the colonists elsewhere to demand more privileges than they enjoyed under their charters. The people elected their representatives to at least one house of the legislature in all of the colonies. These representatives participated in the levying of taxes and in making laws for the colonies. Such conditions all helped to implant the idea of self-government which was so important in the struggle to come later.

Preparation for Union. There was ample preparation for the union of the colonies. The colonists were trained to combine for protection and their mutual welfare. In 1639 the "Fundamental Orders of Connecticut" were

drawn up, under which the towns of Windsor, Wethersfield, and Hartford united. This document has been called the first written constitution in history. In 1643, there was a federal union of Massachusetts, Plymouth, New Haven, and Connecticut colonies for both offense and defense and their mutual safety and welfare. The league was known as the "United Colonies of New England" and continued for forty years.

An effort was made in 1690 to form a confederation against the French and Indians, but without success. William Penn in 1697 proposed a plan to combine all of the colonies and to have a semiannual congress composed of two delegates from each colony. In 1754 a plan was suggested by Franklin to have the colonies united for their common defense, and it was adopted by the Albany Congress but proved fruitless. So throughout colonial history attempts were made to unite the several colonies into leagues or confederations, and at times when such unions were not in effect there was agitation to form them.

The colonists from all of the colonies had the same language. They had inherited the same system of law and in large part their purposes were the same, so they were bound together by common ties though actual union was slow in coming

Colonial Policy. Before the American colonies were organized, England had passed certain Acts of Trade, or Navigation Acts. The purpose of these was to improve British trade. The early colonies were exempt from the restrictions they imposed, and as a result the Dutch secured a great part of the colonial trade.

When the colonies promised success an effort was made to secure their trade for England, and in 1645 the Navigation Acts were so amended as to include the colonies, and thereafter certain articles could be imported into England only in ships fitted out in England by English subjects, and manned by Englishmen. In 1651 it was provided that all exports to England must be carried in ships owned and operated by Englishmen, and European products could be taken to the colonies only in English ships or ships of the country exporting. And by the Act of 1660, no goods could be imported into England except in ships built by Englishmen, owned by Englishmen, and manned by a crew at least three parts English. Colonial shipping was counted as English, so the colonies suffered no particular hardship from these provisions. The colonists objected, however, to the provisions of the last act prohibiting them from exporting sugar, tobacco, cotton, hemp, grain, meats, pitch, indigo, ginger, fustic, or other dye wood, to any country other than England. Later it was required that European commodities needed by the colonists should be shipped from England only in English or colonial vessels.

Numerous provisions in these acts were favorable to the colonies. Tobacco planting was prohibited in England. Bounties were paid to the colonists on hemp, flax, lumber, and all the naval stores they produced, and in South Carolina a bounty was paid on indigo, and that colony was permitted to ship her goods to certain non-British ports. Irish linen was allowed to be shipped to the colonists without duty. Salt to cure fish could be imported from any European port. Grain, lumber, salt,

provisions, fish, sugar, and rum could be shipped to any port in the world if the goods were carried in English or colonial ships of which the owners and three-fourths of the crew were British, and the British West Indies were compelled to buy their provisions and lumber from the colonies.

The purpose of the Navigation Acts was to develop the English shipping and navy, to lead to the production of articles which England otherwise would have to buy from other countries, and to make the colonies a market for English products. Parliament passed certain acts to discourage the manufacture, in the colonies, of articles made in England. The making of hats was forbidden except by those who had been apprentices for seven years, and hats could not be shipped either to Europe or from one colony to another. Wool and woolens could not be shipped. The manufacture of certain iron products was forbidden.

These restrictions caused friction between the mother country and the colonies, though they were not so oppressive as those imposed on their colonies by France and Spain. Other English measures encouraged a feeling of hostility in the colonies. An attempt was made to set up the Church of England there. The issue of colonial paper currency for certain purposes was prohibited. Writs of assistance were issued to permit the search of places suspected of harboring smuggled goods.

In 1763, a long struggle between Great Britain and France for the control of the American continent ended in favor of Great Britain. The colonies had furnished both men and money. Great Britain was heavily bur-

dened by the expenses of the war and a policy of taxation of the colonies was determined upon. The first legislation was the Sugar Act of 1764, enacted to raise revenue to defray the expenses of defending, protecting, and securing the colonies. The revenue so provided for was inadequate and a stamp tax was proposed, but the colonial assembles were asked to suggest other methods of taxation. No suggestions having been offered, the British Parliament in 1765 passed a Stamp Act placing a tax on certain papers and documents. To assure observance of this act the Mutiny Act authorizing the sending of troops to America was passed. A Quartering Act required the colonists to furnish quarters, firewood, bedding, drink, soap, and candles to the soldiers.

The Virginia assembly adopted resolutions condemning these acts and because of the feeling aroused in the colonies a congress of delegates from the several colonies was called to meet in New York to consult together regarding their affairs. This was known as the Stamp Act Congress. A declaration of rights and grievances was agreed upon in which the colonists claimed all the inherent rights and privileges of natural-born British subjects. Among these rights was the one that no taxes could be imposed upon them without their own consent. Shortly afterward the Stamp Act was repealed. At the same time there was passed a Declaratory Act, to the effect that parliament had absolute power over the colonies.

Following out this idea parliament passed a new act for raising revenue in the colonies by laying a duty on all tea, paints, paper, glass, and lead articles imported into America. The purpose was to support a civil government

and maintain a standing army in the colonies. Steps also were taken to compel the colonies to obey the Quartering Act. British troops were sent to Boston, and the colonists were further irritated by their presence.

The colonists objected so strongly to the new taxes that all were soon repealed except that on tea. Feeling ran so high that when tea which was taxable under the parliamentary act was about to be landed in Boston in November, 1773, a party of men disguised as Indians rushed to the vessels carrying the tea and threw it overboard. This is known as the "Boston Tea Party." Parliament then passed a bill closing the port of Boston and other measures were taken to induce obedience on the part of the colonies. These only added to the trouble and more troops were ordered to Massachusetts.

There was difference of opinion among English statesmen as to the wisdom of the colonial policy adopted. Differences regarding the attitude to be assumed toward England also developed in the colonies. Resistance to English measures was most marked in Massachusetts and Virginia. In all of the colonies there were those who upheld the crown and opposed colonial resistance. It was generally believed, however, that the differences with the mother country could be settled and a policy generally satisfactory agreed upon. Many events and acts not here enumerated contributed to the result hereafter considered.

First Continental Congress. On September 5, 1774, the First Continental Congress assembled at Philadelphia. This was made up of the most eminent men in the colonies. All of the colonies but Georgia were represented.

This congress adopted a declaration of rights and grievances. It again asserted the rights of the colonists as British subjects and protested against the various acts of oppression. An agreement was made to abstain from commerce with Great Britain. In addition to this declaration the congress sent an address to the people of Great Britain and another to the inhabitants of the British colonies, and a petition to the king. In all of these they set out their claim of rights as British subjects, recited their grievances, and in the petition to the king asked for relief.

The answer of the king was a speech to parliament stating that he intended to make the colonies obey his authority, and other troops were sent to the vicinity of Boston to compel obedience. The British forces tried to take some military stores gathered by the Americans at Concord, and the result was a clash between the king's troops and the minutemen, in which was fired the "shot heard round the world."

Second Continental Congress. The people of the colonies sprang to arms but within a month, on May 10, 1775, the Second Continental Congress, which had been called by the former congress, assembled at Philadelphia. Up to this time most of the colonial leaders believed that the differences with Great Britain could be settled in a friendly way. Though the war had begun, the members of the congress still hoped to have milder measures adopted by the British government. Thomas Jefferson was instructed to prepare "an humble and dutiful address to the king." At the same time it was necessary to prepare for defense.



Room in Independence Hall, Philadelphia

Here the Continental Congress met, and the Declaration of Independence was signed.

An address was sent to the inhabitants of Great Britain asking them as friends and countrymen to give them relief. However, hostilities continued and it became more and more clear that the breach between the mother country and the colonists could not be healed. In the early part of 1776 the different colonies, through conventions or colonial assemblies, instructed their delegates in congress either to vote for independence, or to concur with the other colonies in declaring independence, or to agree to any action which a majority of the congress thought necessary for the security and welfare of the colonies.

A convention in Virginia on June 12, 1776, adopted a Declaration of Rights. On June 7, Richard Henry Lee of Virginia had introduced a resolution declaring "that the United Colonies are and of right ought to be free and independent states." Action was postponed to July

1, and during this time a committee was at work making a draft of a Declaration of Independence. This draft was written by Thomas Jefferson. The committee accepted it as it was written with one or two minor changes, but certain amendments were made by the congress. Lee's resolution was passed July 2, and the Declaration of Independence was adopted July 4.

Declaration of Independence. The news was proclaimed by the ringing of the Liberty Bell in the steeple of the State House at Philadelphia. This text had been inscribed on the bell: "Proclaim liberty throughout all the land unto all the inhabitants thereof." General Washington had the Declaration read on July 9 following, at the head of each brigade of the army. In New York the statue of George III was pulled down and the lead it contained was molded into bullets to be used against royal troops.

The document should mean much to every American citizen because its adoption was the act which made us a nation. It ranks as one of the greatest charters in the world's history. The second paragraph contains a statement of the fundamental principles of our government in language which should be known to all:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends it is the right of the people to alter

or abolish it, and to institute a new government, laying its foundation in such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

SUPPLEMENTARY NOTES AND STUDIES

1. Why were the colonists not oppressed during the early years of their settlement?
2. Do the people of Great Britain generally defend the policy of George III, which led to the Declaration of Independence?
3. What principles of the Declaration are now a part of our government?
4. What principles of English government made it proper for the colonies to hold such congresses as the Stamp Act Congress and the Continental Congress?
5. Do you think the colonists could have secured their rights as British subjects without declaring their independence?
6. Find biographical sketches of John Hancock, Samuel Adams, and Benjamin Franklin and give a synopsis of them.
7. Do you think independence could have been declared successfully in 1765, when the Stamp Act Congress was held? Why?
8. What is the explanation of the large number of eminent men in the colonies at this time?

CHAPTER XVI

MAKING THE CONSTITUTION

Preparation for the Constitution. The constitution is a growth which had its beginning centuries ago. The ideas which it contains can be traced through Magna Charta and all of the other charters of liberty of which we have read. The colonial charters, which were all in writing, contained many of our ideas of government. There were legislative assemblies chosen by the people and local governments in which they participated. The unions of the several colonies which we have noticed were tried to promote the welfare of all the colonies. Committees of correspondence were organized to keep each colony informed as to what the others were doing. And the Stamp Act Congress and the First and Second Continental Congresses were serious efforts to coöperate for mutual profit.

In these congresses it was found possible to get together for the good of all the colonies without disturbing the independence of each, and so there was paved the way for the federal plan, which was finally adopted in the constitution. Experience had already shown that this should succeed. Throughout the colonial period the many documents prepared repeatedly stated the great principles which lie at the base of our government. The declarations of rights adopted by the Stamp Act Congress and the first

Continental Congress, the petition sent to the king, and the Declaration of Independence, all named the rights to which the colonists were entitled and recited their grievances. Each was a little more clear than the last document of the same kind before it. By the time independence came all of these experiences made a plan of government possible.

Articles of Confederation. The same congress which declared independence made a new plan of government and submitted it to the states on November 17, 1777. This was called the Articles of Confederation. By these Articles our nation was first called the "United States of America." Under them each state was sovereign, free, and independent, and retained those powers and rights which the Articles did not give to the United States congress. By this plan the states entered into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, and agreed to assist each other against the attacks made upon them.

The congress had executive duties as well as legislative and could borrow money, call upon the states for money, carry on war, enter into treaties, settle disputes among states, and govern the public land known as the Northwest Territory. But there was no real executive head of the government. Congress had no power to compel the states to pay what they were asked to pay, nor to furnish troops, nor to obey the treaties, and it was without power to regulate or control the commerce between the different states. The citizens of each state were entitled to the privileges and immunities of the citizens in the other states,

and they could go freely from one state to another and transact business.

The congress was the executive but it had no power to enforce its laws. It could borrow money but it could not compel a state to pay its notes or the interest on them. To make matters worse the Articles could not be amended without the vote of all the states. Congress not being able to secure money to pay its expenses and not having the power to enforce its laws, it was necessary that some change be made. A conference was called at Annapolis in 1786 to talk over the commerce between the states and that of foreign countries. There it was decided to ask the congress then in session to call a convention to amend the Articles.

There was a difference of opinion among the electors in the colonies about this, but so much trouble in conducting the government had developed that such a convention was finally thought necessary to save the union. In New England money was becoming scarce and the debts of the colonies and their share of the national debt could not be paid. There was such deprivation that private debts could not be paid either. The discontent was general, and Shays' Rebellion broke out. There was a call for the aid of the national government, and alarm spread throughout the colonies.

The Constitutional Convention. Congress called a convention for May 14, 1787, for the sole purpose of revising the Articles of Confederation and reporting changes which should give the federal government power to govern and preserve the union. This convention assembled at Philadelphia. The most eminent men in the

colonies were members. Jefferson called it an assembly of the demigods. Washington was made president and James Madison of Virginia was one of the most active members.

When the members actually got to work it was seen that the Articles of Confederation could not be revised so as to form a strong national government. They at once set out to prepare a plan which would preserve the individual rights of the states and at the same time bind them into a great union. The trouble with the Articles had been that the states could disregard the requests of the central government. This had to be changed. The central government in other words had so little power that it could not do the very things it had organized to do. To remedy this condition two plans were proposed, the Virginia plan presented by Edmund Randolph of Virginia, and the New Jersey plan presented by William Paterson of New Jersey.

The Virginia Plan. The Virginia plan was prepared by the delegates from Virginia, who were its principal advocates. It favored a congress composed of two houses. The members of one house were to be elected by the people and this house was to choose the members of the other one. This congress, it was planned, should have very much the same rights as the congress of the Confederation, and it was also to have the power to veto acts passed by the different states, if they were contrary to the constitution. The executive department was planned also, though with no suggestion as to the number of executive officers. This was what the Confederation did not have.

In addition it was planned to have a national judiciary to pass on the acts of congress before they should go into effect and to decide all cases that could arise under the laws passed. The plan was debated and amended for several weeks. After some time it was decided to have a single executive, and at first the convention voted in favor of having the executive elected by the national congress for a term of seven years. There was a great deal of trouble over the way in which the states should be represented in congress, and the convention nearly failed in its work because of this disagreement. The large states wanted the members in both houses of congress to be chosen according to population.

The New Jersey Plan. When this subject was reached most of the Virginia plan had been adopted, but the smaller states felt that under this plan too much power in the central government would be held by the larger states. The delegates who felt this way presented the so-called New Jersey plan, which revised the Articles of Confederation, giving to the congress larger powers and planning an executive and a system of courts.

Compromises. The delegates from Connecticut proposed the plan which was finally adopted as a compromise between the large and the small states. The colony of Connecticut already had a legislature composed of two houses, as, indeed, had most of the colonies. So these delegates suggested that the house of representatives be made up of members chosen according to population and that each state have two senators. This combined the New Jersey and Virginia plans and adjusted them to each other and enabled the convention to proceed with its work.

Since it was agreed that part of congress should be composed of members chosen according to population it was difficult to decide how slaves should be counted in determining the number of representatives to which each state should be entitled. The southern states which had slavery naturally wanted the slaves counted, while the free states thought only citizens should be counted. It had been decided also that direct taxes should be apportioned according to population, so the differences were finally compromised by having three fifths of the slaves counted for both purposes, that is, for the purpose of fixing the number of representatives, and for apportioning a direct tax among the states.

There was an effort also to stop the importation of slaves. Most of the delegates insisted that congress have complete control over commerce, but some of the states wanted the slave trade protected. These differences were settled by giving congress control over commerce and prohibiting any interference with the slave trade before 1808.

On September 17, 1787, the work of the convention was completed and all but sixteen of the fifty-five delegates signed the constitution, which ever since has been known as the greatest charter of liberty in history.

Checks and Balances. The constitution as finally adopted contains provisions whereby the acts of one department of the government may be checked or balanced by the acts of another department. The states are balanced against the general government. The house of representatives checks the acts of the senate, and the senate checks those of the house. The executive branch is a check upon the legislative branch through the veto power,

and the legislative branch is a check upon the executive through the power of confirmation and impeachment. The courts exercise control over the acts of the executive and may declare null laws and acts or decisions of the states. The people retain supervision over all elective officers by provision for frequent elections.

The Completed Document. Much has been said in praise of the completed constitution. Frequently it has been suggested that practically all of the ideas contained in it were old and tried. It is perhaps true that nearly every feature of the plan which it provides had been tried either in the colonies or in Europe. And it is equally true that the principles to which the constitution tried to give effect in its plan had been asserted repeatedly by Englishmen and colonists to be the very basis of just government.

The plan as finally worked out was new, however, in the way it combined practical ideas which had been given some trial to make a great scheme of government, which recognized all of the rights the people justly claimed, and gave the citizens of each state the voice in the government they demanded. Whatever the source of the ideas entering into the constitution they were skillfully woven together. The several states were united into a working national system.

Ratification. The constitution was reported by the convention to congress, and by congress it was sent to the different legislatures to be ratified by conventions which should be called for that purpose. Most of the states immediately called conventions to adopt or reject the instrument. The changes in the plan of government were so radical that there was much opposition to them.

No one seemed fully satisfied with all parts of it, but most people felt that it was the best that could be done under the circumstances. Many of the leading statesmen in letters written at the time stated that they did not fully approve of the document yet thought it the best that could be had and if it were not accepted it would mean the dissolution of the union.

There were two political parties at the time: the Federalists, who believed in a strong national government, and the Anti-Federalists, who did not see the need of a central government with as much power as was granted by the constitution. The former, therefore, urged its ratification, while the latter opposed it. It was argued that congress had too much power of taxation; that it was dangerous to have officers take an oath of allegiance to the federal government; that the states had too little democracy; and that there was no bill of rights.

The last objection came near defeating ratification. The first contest was in Pennsylvania, which voted ratification in December by a vote of two to one. Delaware, New Jersey, and Georgia approved without a dissenting voice. Connecticut, Maryland, and South Carolina gave their consent but proposed amendments. The close contests were waged in Massachusetts, New Hampshire, New York, Virginia, and North Carolina.

The principal objection was that the constitution lacked a bill of rights. It has been seen that it was formed on the theory that the rights of the citizens were recognized by it; that they already had these rights; and that the national government had only the powers granted to it by the constitution. Since no provision in it gave authority

to any one to interfere with them, these rights could not be taken away from the citizens.

In order to secure ratification in Massachusetts, it was necessary to propose the provisions necessary for a bill of rights, and it was recommended that such amendments be adopted. New Hampshire approved, and proposed twelve amendments; Virginia, twenty; New York, thirty-two; and North Carolina, twenty-six. The only remaining state was Rhode Island, which did not ratify until May 29, 1790. The constitution had taken effect upon ratification by New Hampshire on July 2, 1788, and the operation of the government under it was set to begin the following January.

How Amended. Article V of the constitution defines the way in which an amendment may be made. If two thirds of both houses deem it necessary congress proposes an amendment, or if application is made by the legislatures of two thirds of the states, a convention must be called to propose amendments. An amendment becomes part of the constitution when ratified by the legislatures of three fourths of the states or by conventions in three fourths of them. By a provision which limits the power of amendment, no state can be deprived of its right to two United States senators without its consent.

Amendments Made. We have seen that the constitution was a growth from early history. It was a natural development from the political life and experience of the common people of England and the colonies, and it has continued to grow from the very first. In the first session of the first congress James Madison called attention to the many amendments which had been suggested

by the state conventions when they ratified the constitution. There was similarity in many of the proposals. After much discussion seventeen were recommended to the house and adopted. But the senate reduced the number to twelve, which were duly proposed by congress and sent out to the legislatures. All but two of them were ratified.

The ten which were adopted constitute the bill of rights, which has been fully considered in Part I of this book. As has been seen, it was not necessary to adopt these amendments in order to protect the people, but they were needed to create public faith in the government and assure the people that the wrongs they had suffered in colonial days would not be repeated by the new government.

The Eleventh Amendment, adopted in 1794, took away from the federal courts the right to try suits brought against one of the states by the citizens of another state or foreign country. The Twelfth Amendment, adopted in 1804, was intended to save confusion in the election of president. Until 1865 no further changes were made.

It is interesting to see that at the time the first amendment was adopted the people were concerned about the wrongs that might be done to them by the federal government. As these changes were made through the years the confidence of the public in the national government grew until the Civil War was fought between 1861 and 1865. The outcome of the war was the abolition of slavery, and three amendments were demanded to prohibit the states from interfering with the rights of freed negroes.

The Thirteenth Amendment, which was made a part of the constitution on December 18, 1865, abolished

slavery. The Fourteenth Amendment, which took effect July 28, 1868, protected the newly freed negroes in their rights as citizens. The Fifteenth Amendment, 1870, was intended to protect the negroes in their right to vote.

You will recall in the account of the compromises, that the constitution provides for the apportionment of direct taxes among the states according to population. When it was found wise to levy an income tax according to incomes, without such apportionment, the supreme court said it would not be constitutional. Therefore the Sixteenth Amendment, granting this power, was adopted in 1913. Much fault was found in the system of electing United States senators, and in 1913, the Seventeenth Amendment was ratified to permit the people to elect senators by direct vote. In 1919 was adopted the Eighteenth Amendment prohibiting the manufacture, sale, and transportation, or importation of intoxicating liquor for use as a beverage; and in 1920 the Nineteenth Amendment giving women the right to vote in all the states.

Thus changes are made as new needs arise. This adaptability to changing conditions should give us confidence in our government.

SUPPLEMENTARY NOTES AND STUDIES

1. How many constitutions are there in the United States?
2. What do you think would have happened if the constitution had not been adopted?
3. What is the meaning of compromise? Is it usually a wise policy?
4. Learn the preamble to the constitution.
5. To what other documents can you trace the constitution?
6. Do you think it wise to make it so hard to amend the constitution? Why?

CHAPTER XVII

THE CONGRESS

Organization. The congress is composed of two lawmaking bodies, the senate and the house of representatives. This plan of a legislature composed of two houses was that used in Great Britain, and was adopted so that one house could check the work of the other and prevent hasty action. The Continental Congress was a single body, but all of the colonies except Pennsylvania and Georgia had two houses in their state legislatures. We have seen that there are two senators from each state, and that representatives are apportioned according to population.

A "congress," as it is called, is two years in length. The regular sessions begin on the first Monday in December of each year. The first is a "long session" which may continue for an entire year after the date of meeting. The session following must be a "short session" because the terms of all representatives expire on the fourth day of March following the beginning of the session. Hence the term "short session." The president may call special sessions when public business demands, but he cannot adjourn the houses. The background of this in history is the quarrels which English parliaments had with the kings. During recent years business has increased so that special sessions have often been called by the presi-

dent shortly after the 4th of March on which the terms of members begin.

Each house has an organization suited to its work and is the judge of the qualifications of its own members. A majority of each is a quorum, but smaller numbers may adjourn from day to day and may compel absent members to attend. Each house also makes its own rules and may punish any of its members for disorderly conduct and by two-thirds vote may expel a member. Each also must keep a journal of its proceedings and make the same public except such parts as it may be considered best to keep secret. Neither house can adjourn for more than three days, or to any place other than where it is sitting, without the consent of the other.

Members of both houses receive salaries of seventy-five hundred dollars a year and mileage of twenty cents a mile, and other allowances for clerk hire and stationery. They are paid by the United States. They all are exempt from arrest except for treason, felony, or breach of the peace, during the sessions of congress and in journeying to and from them, and do not have to answer in any other place for what they say in debate. This is another provision that was thought wise on account of events in English history.

The Senate. The number of senators elected from a state cannot be reduced without its consent. The term of office of senators is six years and the terms are so arranged that one third of the terms expire every two years. Thus the senate is always composed of members, two thirds of whom have had previous experience in the body. A senator must be thirty years of age and must have been a citi-

zen of the United States for nine years and must reside in the state from which he is elected.

Vacancies in the senate are filled by appointment of the governor of the state in which the vacancy exists, if the legislature of the state has given him power to appoint. Otherwise a special election must be called. Originally the senators were elected by the state legislature but upon demand of the people this system was changed and the Seventeenth Amendment to the constitution provides for election by the people.

The presiding officer of the senate is the vice president of the United States. He has no vote except in case of tie, when he casts the deciding vote. If he is absent a president pro tempore chosen by the senate takes his place. The senate is given certain powers in congress which are not shared by the house of representatives. These are as follows:

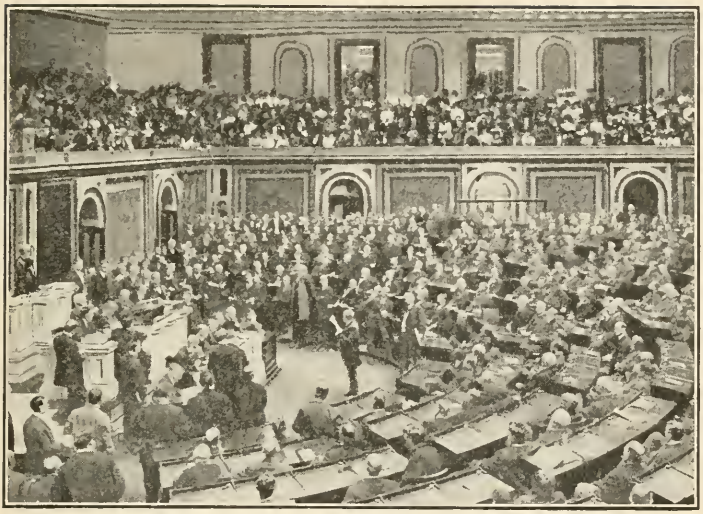
1. It tries all cases of impeachment. When the president is on trial the chief justice of the supreme court presides.

2. Certain of the president's appointments must be confirmed by the senate before they become effective.

3. Treaties made by the president do not take effect unless ratified by the senate. This is done by vote of two thirds of the senators present.

4. If the electors who are chosen to elect the president and vice president fail to elect a vice president, the senate must choose one from the two having the highest numbers of votes cast by the electors.

The House of Representatives. The term of office of representatives is two years, so that all members may



The National House of Representatives in Session

be changed with each congress, but in fact many are re-elected. To be eligible to election as representative one must be at least twenty-five years old and must have been a citizen of the United States for seven years and an inhabitant of the state from which he is chosen. The presiding officer of the house is a speaker who is elected from among its members. In case of a vacancy a special election is called by the governor of the state in which the vacancy exists. Each territory has one delegate but such delegate does not have a vote.

The house of representatives has certain powers which are not shared by the senate. These are the following:

1. All revenue bills must originate there; that is, they must be introduced first in the house, but the senate can amend them.

2. The house has the sole power to impeach public officers; that is, to make accusations which lead to a trial by the senate.

3. In case the electors fail to choose a president, one is chosen by the house of representatives from among the three candidates receiving the highest numbers of electoral votes.

Organization and Regulations. Each house determines the rules of its proceedings. The rules of the senate remain the same from one session to another unless changes are made by vote of the senate. In that body there is allowed the greatest freedom of debate, with hardly any limit to the time a senator may speak. The number of members is very much smaller than in the house, so that free discussion does not interfere so much with the transaction of business as in the larger body. The house adopts new rules each session, but usually they do not vary much from those of the preceding congress. These rules fix the program of business for the house.

The principal work of both houses is done by their committees, who are selected by vote of each house. The actual selection in the house is by the speaker and a committee on committees, and in the senate by a caucus of the majority party. The reason for having the work done by committees is that it can be done much more effectively in this way. So many bills are introduced that they cannot all be considered on the floor of either house. By committees the merits of measures can be considered and reports submitted for acceptance or rejection by the entire body. The further advantage in this plan is that the men who are chosen on a committee are usually those who are

especially qualified to consider the bills which are referred to that committee.

The principal committees in the house are these: ways and means, appropriations, judiciary, banking, and currency. The principal senate committees are these: finance, judiciary, foreign affairs, military and naval affairs, and appropriations. While the committees have great responsibility in each house much more of the work is done by them in the house of representatives than in the senate. The work of the committees is done through sub-committees which may call experts to help with their investigations. When an investigation by a committee is completed a report is submitted to the house. The house is not bound by the committee's action, but its report is considered and frequently is rejected and the committee's recommendations disregarded.

How Laws are Enacted. Any member of either house may introduce a bill or a joint resolution by presenting it to the clerk according to the rules of the house in which it is introduced. When a bill is introduced it is given its first reading. This reading is by title only and the bill then, or at the time fixed by the rules, is referred to its proper committee by the presiding officer. The work of the houses has become so heavy that new bills can be introduced only at certain times. If upon investigation by the committee it is found to have enough merit to deserve recommendation and passage it is reported back to the house for the action of that body. Amendments can be made and usually are made either in the committee or when the bill is under consideration by the entire house. When the committee has reported there may be debate

upon the measure when reached for second reading. As we have seen, in the senate there is practically no limit upon the debate but in the house debate can be closed by majority vote at any time. When discussion finally ends there is a third reading of the bill and then the vote is taken. Usually this is by the ayes and nays. The presiding officer decides whether the bill has passed from the sound of the voices. If there is doubt a rising vote may be taken, and the members voting on each side counted, and if one fifth of the members request it a roll call may be had.

If the bill is passed it then is signed by the presiding officer and sent to the other house. If it is passed there without change it is signed by the presiding officer and sent to the president for his signature; but if it is amended in the second house it must be returned to the house in which it originated and further action taken upon the amendments. If these are approved the bill is forwarded to the president, but if the house fails to concur in the amendments it is sent to a conference committee, consisting of members from each house, and this committee, if possible, compromises the differences between the two houses. If the conference report is approved by both houses the bill is ready for the president's signature.

A bill passed by both houses becomes a law when signed by the president, but if he disapproves it he vetoes it by returning it to the house in which it was first passed, with the reasons for his refusal. It then may be further considered and if it is passed, as sent to him, by a two-thirds vote of each house, it becomes a law. If the president fails to return the bill within ten days after it was sent to

him it becomes a law without his signature, unless in the meantime congress has adjourned. In that case it fails to become a law. This is called a "pocket veto." Thousands of bills are introduced in each session of congress but very few are enacted into law.

Powers of Congress. Congress has only those powers which were granted to it by the people. These are the powers enumerated in the constitution, and apply to the interests which involve the country as a nation. They cannot be more tersely stated than in Section 8 of Article I of the constitution, which the student should read. Along with the powers named is the broad power to make all laws which shall be necessary and proper for carrying into execution the named powers. Along with these provisions must be considered those contained in Sections 9 and 10 of Article II, which place restraints upon the national and state governments. The power of the national government is further limited by the Bill of Rights, which we have already considered, and is limited or extended by the Thirteenth, Fourteenth, Sixteenth, Eighteenth, and Nineteenth Amendments. These sections and amendments should receive careful study.

Impeachment. We have seen how state officers may be impeached. The national house of representatives has the sole power to impeach a federal officer by adopting accusations against him, and in case of impeachment the officer is tried on the accusation by the senate. The vice president presides at the trial, except when the president is tried, and then the chief justice presides. Two thirds of the senators present must concur to convict. If the officer is found guilty the judgment cannot extend further than

to remove him from office and to disqualify him to hold and enjoy any office of honor, trust, or profit under the United States, but he may be proceeded against criminally according to law for the same offenses.

SUPPLEMENTARY NOTES AND STUDIES

1. How many members in the senate? In the house of representatives?
2. What is filibustering?
3. To what committee in a house should a bill appropriating money for a post office building be referred? A bill on bankruptcy?
4. What are the names of the senators from your state? Representatives?
5. How many senators are necessary to pass a bill? To ratify a treaty?
6. Why is it necessary to have committees in the houses of congress?
7. State three sources of revenue for the nation.
8. What is the reason for having the term of senators longer than that of representatives?
9. What are the important bills which are being considered by congress at the present time?
10. Is the senate now considering any treaties? If so, what are they?

CHAPTER XVIII

THE PRESIDENT

The Office. One reason for the failure of the Articles of Confederation was the lack of an executive. To make the national government succeed it was necessary therefore to have an executive officer. There was considerable doubt as to whether there should be an executive council or a single executive. It was after much discussion that a conclusion was reached. There is no doubt that the selection of a single individual to execute the laws has had much to do with the success of our government. His position has become one of great power. All of the executive officers are responsible to him. He recommends legislation and has direct control over military affairs and foreign relations. His position is such that his recommendations carry great weight. In fact, it is thought by many that he now has the most influential office in the world.

Choice of President. The manner of choosing the president was one of the difficult problems of the constitutional convention. It finally was thought best to have him chosen by electors, although originally it was planned to have him elected by congress. The makers of the constitution could see the great importance of the office and the need of care in selecting the chief executive. It was thought that if a separate body of men had the

responsibility of choosing him they would consider the public men of the country and choose more wisely than the people.

The selection of this method indicates that there was not yet confidence that the people would be able to choose the man best fitted for the office. The theory of the system adopted is reasonable but the responsibility the people have had in choosing officers has given them direct interest in the presidency. So while the electoral system still exists, the president in fact is elected by the people.

For many years the greatest political enthusiasm has been aroused over presidential elections. Nominations are made in political conventions composed of delegates from the various states of the union. Each political party has a national committee which calls the national convention of the party and fixes the time and place for holding it. The delegates are chosen largely by political conventions held in the states. In a few of the states, North Dakota among these, the delegates are chosen by the people at an election for that purpose.

The delegates assemble at the time appointed and adopt a party platform, which is a written statement declaring the principles of the party and the policies which it advocates in that particular campaign. Candidates for president and vice president are selected and the campaign is entered into.

The party conventions of the states usually select candidates for presidential electors, but in many states now these are chosen in primary elections. While the presidential campaign is carried on the election of one candidate or another is urged and the people cast their ballots for

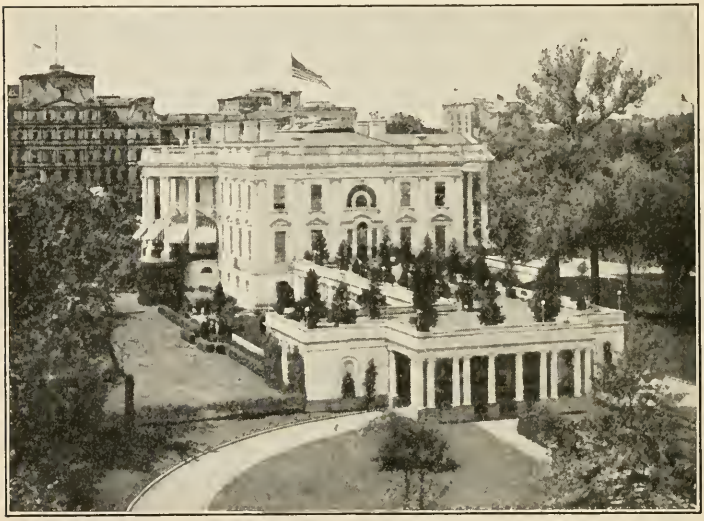
the purpose of electing the candidates of their party. They vote directly for electors and not for candidates, but it is the custom for the electors chosen to cast their ballots for the candidates of the party they represent. There is no law which compels them to do this, for under the constitution the electors still could choose persons other than the candidates of their party. But they would incur a great deal of criticism by doing this, and public opinion is strong enough to compel them to follow custom.

So the electoral system is merely a form which does not operate at all the way intended by the constitutional convention. The electors meet in their several states on the second Monday in January following the election, and cast their ballots. These are then carried to Washington, where, on the second Wednesday in February, they are publicly counted in the presence of both houses of congress. There are as many electors in each state as the state has senators and representatives in congress. This system makes it possible to have a "minority" president, that is, a president who has a majority of the electoral votes but who does not have a majority of the votes of the people. Many presidents have been elected in this way.

Qualifications and Term. A person to be elected president must be a natural-born citizen of the United States at least thirty-five years of age, who has been at least fourteen years a resident of the country. He is elected for a term of four years, and may be reëlected for a second term. There is no law limiting his service to two terms, but public opinion seems to be opposed to more than this. Two or three presidents have been candidates for third terms but none of them have been successful.

The compensation of the president has been fixed at seventy-five thousand dollars a year, and in addition to this he is given the use of the White House, and certain expenses of maintaining his office are paid.

In case of his death, resignation, or inability to perform the duties of his office, the vice president succeeds him, and



The White House

in case the vice president is unable to act the members of the cabinet succeed in the following order: secretary of state, secretary of the treasury, secretary of war, attorney-general, postmaster-general, secretary of the navy, and secretary of the interior. The succession is in this order unless some one of those in the order of succession is not qualified to act, and in that case the one next in order succeeds. The other executive departments have been

created since the provision for presidential succession was made, so their chief officers are not included.

Inauguration. We have seen that the election of the president in fact takes place at the time of the general election in November, though the electoral votes are not counted until shortly before the beginning of his term of office. The term begins on the 4th of March following election. At noon on that day the president is inaugurated into office.

A great deal usually has been made of the inauguration ceremonies. Military and naval bodies form parades and thousands of people visit Washington to see the demonstration. If there is a change in the office the incoming president accompanies the outgoing president from the White House to the Capitol building, where he takes the following oath: "I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States and will, to the best of my ability, preserve, protect, and defend the constitution of the United States." This oath is administered by the chief justice of the supreme court.

Following this it has been the custom to have the president appear before a vast throng in front of the Capitol building and to read his inaugural address, which is a statement of his plans and purposes as president. The weather at this time frequently is inclement and efforts have been made to have the date of inauguration changed so the president need not risk his life in the inaugural ceremonies.

Powers of the President. The president has extensive powers. He is commander in chief of all the military

forces of the United States. This includes the army and navy and the militia of the several states, when called into the active service of the United States. The president under this power might take the actual command of the army in the field, but no one ever has done so. He may require the opinion in writing of the head of any of the executive departments upon any subject relating to the duties of these offices, and has supervisory control over these officers.

He appoints ambassadors and other ministers and consuls sent to foreign countries, judges of all the United States courts, and all other officers of the United States, if their appointment is not otherwise provided for. Most of these appointments must be made by and with the advice and consent of the senate. The power of the appointment of inferior officers may be given to other officers and this has been done in many cases in later years. He has the power to make treaties with the consent of the senate, which must be given by vote of two thirds of the senators present. He also has the power to grant pardons, except in cases of impeachment.

From time to time he must give congress information regaining public affairs, and he does this by an annual message sent or delivered when congress convenes in December, and by special messages. President Wilson renewed a custom of the early presidents by personally reading his messages before the two houses of congress. The purpose is to impress upon congress the importance of the information given and the recommendations made. The president in unusual cases may convene both houses of congress in special session and may also adjourn them

in case they cannot agree. He was not given the absolute power to adjourn because the makers of the constitution knew how this power had been abused by English kings. His power of veto we have already considered.

SUPPLEMENTARY NOTES AND STUDIES

1. Name seven of the great presidents of the past.
2. Read the last presidential message to congress.
3. Why is the president given power to call extra sessions of congress?
4. What is the advantage of a single executive?
5. Resolved, That the president should be elected by direct vote of the people.
6. How many presidents have been elected for two terms? Name them.
7. How many presidents have been candidates for third terms? Name them.
8. Can one be elected president without receiving a majority of the votes of the people? Explain this.
9. Name the candidates for president at the last general election.
10. What state has furnished the greatest number of presidents? How many? Which presidents?
11. Which state the next?
12. With what important foreign affairs is the president now dealing?

CHAPTER XIX

THE EXECUTIVE DEPARTMENTS

The Cabinet. There is no express provision in the constitution for the appointment of the cabinet officers. The only language which indicates that the makers of the constitution had executive officers in mind is that giving the president power to require the opinion in writing of the principal officer in each executive department. The following departments were created during the first year of the new government: department of state, department of treasury, department of war, department of justice, and post office department. The navy department was created in 1798, the department of the interior in 1849, the department of agriculture in 1889, the department of commerce in 1903, and the department of labor in 1913.

The heads of these departments constitute a president's advisory body. A cabinet meeting is held at the White House each week for the discussion of public questions. The special problems of each cabinet officer are laid before the body, and plans of action are made. We have seen how it has been provided that in case of vacancies in the office of president and vice president one of the cabinet officers shall succeed to the presidency.

The cabinet is one of the great forces in the British government, and in recent years it has become increasingly important in this country. Each cabinet officer makes a

report annually which is submitted to congress with recommendations for legislation affecting the affairs of his department. While each is given large discretion in administering the affairs of his department, in the more important matters action is taken only with the approval of the president. It is the president who is responsible for the administration, and his wishes must be consulted. In case there is discord between the president and one of the department heads, the cabinet officer is asked to resign. With this supervision over the departments it is possible to have the cabinet act harmoniously and to carry out the policies of the president.

The State Department. The secretary of state in many respects has the most important executive office aside from the presidency. He conducts the diplomatic correspondence, which is the correspondence with the ministers of foreign nations. He receives the ministers and ambassadors of foreign countries, and has supervision over the appointment of the ambassadors, ministers, and consuls from this country to other countries. We send ambassadors, who are the highest in rank of the diplomatic officers, to a number of countries; envoys extraordinary and ministers plenipotentiary, commonly called ministers, to a number of other countries; and consuls, who are the commercial agents of our country. All are appointed upon recommendation of the state department.

In a later chapter our relations with foreign countries will be considered more fully, and the duties of the officers discussed. While the power to make treaties rests with the president, the secretary acts for him in negotiations, and the treaties negotiated can become effective only when

ratified by the senate. Aside from foreign affairs the secretary has the duty of preserving all the laws which are passed by congress and has the custody of the great seal of the United States. All proclamations issued by the president are attested, and sometimes prepared, by him.

The Treasury Department. In general it is the duty of the secretary of the treasury to determine the financial policy of the country. This at times has been a great responsibility, especially in times of war and during business panics. The secretary cares for the public funds, collects import duties and internal revenues, pays the nation's debts, and maintains the public credit. There are several subordinate officers of importance.

The treasurer of the United States has charge of the treasury and the subtreasuries established at different points. The register of the treasury is in charge of the government bonds. The bureau of printing and engraving prints the bonds, revenue stamps, and currency put into circulation by the treasury department. The comptroller of the currency has supervision of the national banks, and bank examinations are made under his direction. The United States mint coins money for the government at the mints at Philadelphia, Denver, and San Francisco. The commissioner of internal revenue enforces the internal revenue laws.

The war risk insurance bureau, which has charge of the insurance issued to soldiers in the World War, is under the department's supervision, and the life-saving service along the coasts of the oceans and the Great Lakes is maintained by it. The public health service will be considered later.

War Department. The president is the commander in chief of the army and navy of the United States, but he supervises the army through the war department. The secretary of war has charge of the organization and maintenance of the military establishment of the government, and performs such duties as may be intrusted to him by the president. The work of the department is performed through a chief of staff and a number of subordinate officers.

The chief of ordnance purchases and supplies the arms and munitions. The judge-advocate-general is the legal adviser of the secretary and manages the legal affairs of the department; the surgeon-general supervises the health of the army; the adjutant-general issues and records the military orders given by the secretary; the inspector-general visits and inspects posts and prisons and keeps the secretary informed on their condition and on the condition of the military forces and equipment generally; the quartermaster-general has charge of all supplies except those furnished by special supply departments; the chief of engineers is charged with the construction of forts, roads, and so on; the chief of the signal service has supervision of the means of communication; the chief of the air service is charged with the purchase, manufacture, and operations of all air craft; the bureau of insular affairs supervises civil government in the island possessions; the militia bureau administers the organization, instruction, and supervision of the national guard; and the chief of finance has charge of all finances of the department.

This department was of very great importance during the World War because upon it was placed the burden of

raising an army, equipping it, and transporting it to Europe. The department has charge of the training of officers for the army. This is done at the military academy which was established at West Point on the Hudson River in 1802. Two cadets are appointed by the president for each member of congress and eighty-two at large, and two from each territory. While the appointments in fact are made by the president the selections are made usually by congressmen after examination. A cadet must be from seventeen to twenty-two years of age. An allowance is paid by the government until he is commissioned as second lieutenant after graduation. The highest office in the army is general.

Department of Justice. The head of this department is called the attorney-general. He advises the president and other executive officers on legal questions that arise, and prosecutes all cases for the United States in United States courts. Assistants are assigned to each executive department. The solicitor-general has charge especially of the business of the government in the supreme court. The attorney-general has many assistants who are engaged in prosecuting suits in United States courts in all parts of the country for violations of United States statutes. He also has supervision of the work of the United States district attorneys and United States marshals.

The Post Office Department. The head of this department is the postmaster-general. This is the only large business institution maintained by the government. The office supervises the carrying of mail and the establishment and maintenance of post offices. Postmasters receiving a thousand dollars or more salary are appointed by the

president. Those receiving less than this amount are appointed by the postmaster-general. This officer, subject to approval by the president, makes postal treaties with other countries so that letters mailed at any post office in the United States may be delivered at their destination in any part of the world.

There are four classes of mail. The first class is written matter which is sealed, for which the rate is two cents an ounce; and the second is newspapers and periodicals issued as often as four times a year. When the department was first established these could not be sent at all. The third class consists of all printed matter not in the second class, and the fourth is merchandise and matter not in the other classes. When the postal department was organized in 1789 all mail was carried by messenger. The rate was very high and there were no postage stamps. About 300,000 persons are now employed in the department. There are about fifty thousand post offices, and billions of pieces of mail are carried and delivered each year.

Several branches of service maintained by the department are of great importance. A letter can be registered so that delivery is assured. By paying a small premium it can be insured so that loss in transit is guarded against. Upon payment of extra postage a piece of mail may be specially delivered so as to save time. In recent years a parcel post system has been maintained, which makes it possible to send packages from large centers into rural communities, with small additional expense.

Rural free delivery has been furnished for many years so that from thousands of post offices in the country rural

carriers are sent out daily to deliver the mail through the farming communities. Postal savings banks also have been established so that those with small savings may deposit their money and receive interest on it from the government at a low rate. The department has never been maintained for profit. The cost to the government is usually more than the revenue derived from it, but there are certain advantages which it is thought offset financial loss.

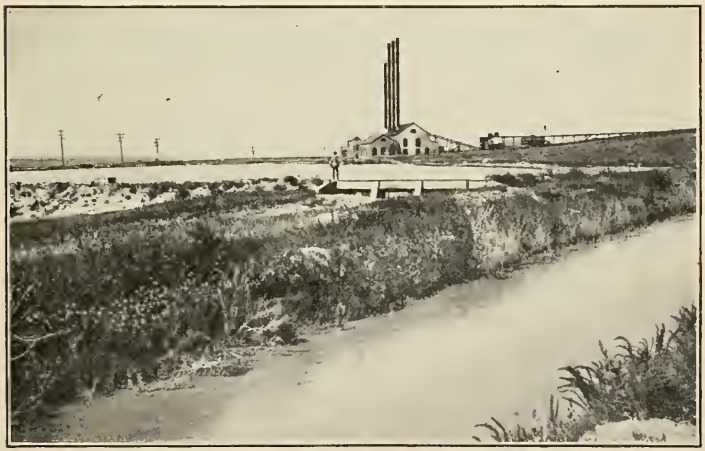
Naval Department. This department was organized in 1798. The chief officer is the secretary of the navy. It is his business to look after the construction of vessels and equipment and all other matters relating to the naval establishment. The great war vessels of the present day cost millions of dollars. This office was very important during the World War because the success of landing the American army in Europe depended upon the strength and alertness of our navy. The work of the department is divided into bureaus.

The bureau of navigation provides for the training of men for service as officers and has in charge the naval observatory which furnishes the country standard time each day; the bureau of yards and docks has charge of the naval yards used by the navy and all public works; the bureau of construction and repair builds war vessels and maintains them; the bureau of ordnance constructs the guns, armor, and so on; the bureau of medicine and surgery supervises the health of the naval forces; the bureau of supplies and accounts is charged with furnishing of supplies and naval finances; the bureau of engineering has charge of the equipment of naval vessels, and the

bureau of aeronautics builds naval aircraft. Officers are trained for service at the naval academy at Annapolis. The government pays an allowance to students, who are appointed much the same as cadets at the military academy are appointed. They must be between sixteen and twenty years of age. The number appointed varies from time to time.

Interior Department. This department was established in 1848, its chief officer being the secretary of the interior. The department has to do with the various phases of domestic affairs, especially the protection of the country's natural resources and the encouragement of invention and education. The department consists of a number of bureaus which have no relationship with each other.

The general land office makes surveys of public lands and disposes of them under the homestead and desert



IRRIGATION PROJECT, AT WILISTON

mining acts. There yet remain undisposed of millions of acres of these lands, but nearly all of little value. Geographical surveys are made of the mineral deposits of coal, oil, and phosphate lands, and reports and maps are prepared which are distributed for public information. The bureau of mines investigates the working conditions of the miners and their improvement. The reclamation service supervises the reclamation of desert lands by irrigation. The bureau of pensions grants pensions to soldiers and sailors who are entitled to them under laws passed by Congress.

The bureau of Indian affairs has charge of Indian tribes of the United States, their education, lands, moneys, schools, supplies, and general welfare. The bureau of patents examines claims for patents, decides disputes regarding them and issues them where proper. A patent gives the inventor the right for seventeen years to have the exclusive use or control of the patented article. The bureau of education gathers information regarding schools and school systems, and seeks to make schools in the country uniform and to improve educational methods. The geological survey has charge of the classification of public lands and examining the geologic structure and mineral resources of the national domain.

The Department of Agriculture. This department was established in 1889. Before that time it was a bureau in the department of the interior. Its purpose is to encourage agriculture and improve its methods and to increase the food supply. It supervises the distribution of seeds, maintains experiment stations under the direction of experts where experiments are made in growing vari-



Great Plains Experiment Station

ous kinds of products, and publishes reports upon these investigations.

The bureau of plant industry makes special studies of seeds, and of pests which destroy crops. The bureau of animal industry supervises the inspection of meats and live stock and investigates animal diseases and seeks their eradication. The bureau of chemistry enforces the pure food and drug acts. The bureau of soils investigates soil conditions and their cultivation and improvement. The forest service is engaged in saving timber, preventing waste, and protecting against forest fires. The bureau of entomology studies insects in their relation to agriculture and the health of man and animals.

The weather bureau observes weather conditions, receives reports from its numerous stations, makes forecasts, and thus warns the farmers of frosts and gives sailors notice of storms on the lakes and other waters.



An Irrigated Potato Field

The bureau of crop estimates reports on crops and makes forecasts as to their production. The biological survey seeks to protect and conserve beneficial wild birds and mammals. The bureau of public roads has become an important force in improving transportation in country districts through the federal aid road act which we shall consider later. The bureau of markets is engaged in the improvement of marketing conditions. The department is doing much in sending out county agents to the various counties throughout the United States and otherwise co-operating with the agricultural colleges of the country, and is engaged in constant effort to improve agricultural conditions.

The Department of Commerce. This department was established in 1903. Its chief officer is the secretary

of commerce. His business is to promote and protect commerce, and encourage manufacturing and trade. Many bureaus are under his supervision. The census bureau takes the census of the country every ten years, and gathers information about manufactures, transportation, and fisheries and makes reports thereon. The bureau of foreign and domestic commerce is charged with developing the manufacturing industries of the United States, and markets for their products at home and abroad. The bureau of standards has charge of weights and measures. The bureau of fisheries propagates useful fish, studies the methods of fisheries, and administers salmon fisheries of Alaska, fur seal fisheries, and protection of sponges off the coast of Florida. The coast and geodetic survey is charged with the survey of the coasts of the United States; the bureau of navigation has superintendence of the commercial marine and the merchant seamen of the United States; the bureau of lighthouses maintains the lighthouse service; and the steamboat inspection service inspects vessels and licenses their officers.

Department of Labor. This department was organized in 1913. Its executive officer is the secretary of labor. The duties of the office are very important. It makes investigation of the conditions under which labor works and lives in this country and in foreign countries and reports upon them. Labor statistics are gathered and given to the public through the bureau of labor statistics. The bureau of immigration is a branch of the department which enforces the immigration and Chinese exclusion laws. The bureau of naturalization administers the naturalization laws and promotes the study of the laws of

our country by immigrants so that they may be qualified to become citizens. The children's bureau is engaged in the study of the welfare of children, state legislation for children, the birth rate, the death rate, occupations, child labor, health, defectives and dependents, and the results of its investigations are published to improve the condition of child life over the country. The women's bureau does much the same work for women that the children's bureau does for children, an important purpose being to promote the welfare of wage-earning women. This department also maintains the United States employment service to promote welfare of wage earners.

Other Administrative Bodies. One of the most important of the other administrative bodies is the civil service commission. This conducts the examinations of persons who shall be eligible for appointment to clerical and other appointive positions in the classified service in the several governmental departments. Appointments in this service are given to those who rank among the highest in passing the required examinations. Before this commission was created we had the spoils system, which gave all offices to the members of the party winning an election, so that every time a political party went out of power all officers changed.

After much agitation a civil service commission was established in 1868 but later appropriations were stopped and the commission ceased to exist. In 1883 a new law was passed and the commission was reëstablished, and now examinations are held in all parts of the country in post offices and in customhouses. When a vacancy occurs in a position the commission reports the names of the

three ranking highest, from among whom the appointee must be chosen. One assigned to an office in this way can be removed only on written charges. The employees are better qualified and there are fewer office seekers under this system. About seven hundred thousand government employees now are in the classified service.

The public printing office is the important executive institution which does the public printing. All governmental reports are published here and distributed for the information of the public.

The interstate commerce commission is a body whose principal duty it is to supervise and fix rates for railroads, express service, sleeping car service, and all other agencies which carry people or goods from one state to another. The railroad labor board has been organized to arbitrate and settle controversies between railroad employers and employees.

The Smithsonian Institution was organized in 1846, to carry out the terms of the will of James Smithson, an Englishman, who left his fortune to the United States to increase and diffuse knowledge among men. There are maintained in connection with it a natural museum, a national gallery of art, and other bureaus or departments.

The Pan-American Union is maintained to create a better feeling between the United States and the other American republics.

The library of congress is a great public institution which has over two million volumes. Its building was erected at a cost of $6,500,000, and is the most magnificent public building in the United States. In it is the copyright office, which issues copyrights to authors; the

term is twenty-eight years, renewable for an additional twenty-eight years.

The federal trade commission, federal reserve board, United States shipping board, and war finance corporation, all important administrative bodies, will be considered in a later chapter.

SUPPLEMENTARY NOTES AND STUDIES

1. What are the objections to the spoils system?
2. Resolved, That the members of the cabinet should have seats in congress without a vote.
3. Should the bureau of education be made an independent executive department?
4. Has the geological survey made a survey of your county with geological maps? If so, secure some of the maps.
5. Discuss the work of the Smithsonian Institution.
6. When was the last census taken? What was the population of your village or city, county, and state?
7. Can land still be taken under the homestead laws in your state?
8. What restrictions do you think should be placed upon immigration? Why?
9. What are the objections to the pension system?
10. Should the war and naval departments be combined into a department of public defense? Why?
11. What is the purpose of the patent and copyright systems? Their advantage?
12. Is it well to keep the Indians under the supervision of the bureau of Indian affairs? Or should they be permitted to compete with white men? Why?
13. What could the government do to help agricultural conditions that has not already been done?
14. Name the present heads of the executive departments.
15. How many pieces of mail were handled by the post office department last year? What did it cost to run the department? What was its income?
16. Get a weather report and discuss its value; also the way in which the information shown in it was obtained.
17. It is said that the newspapers and periodicals are carried by the postal service at a great loss. Is there any benefit to offset this financial loss? If so, discuss it.

CHAPTER XX

JUDICIAL DEPARTMENT

Beginning and Growth. One of the weaknesses of the Articles of Confederation was the unsatisfactory judicial system they provided. It was considered wise to have courts to interpret and apply laws. A system of courts is known as the judiciary. During the colonial period it was found that the control of the judiciary by the home government presented a great deal of trouble. It was difficult to have proper judicial control and yet as much independence on the part of each of the colonies as was desired. The constitutional convention wanted a system as dignified as were the legislative and executive departments they had planned.

There was the system of colonial courts to pattern after. Hamilton, Madison, and other leading statesmen thought that the weakness of the courts was a danger to the government rather than a help. The discussion in the convention was very bitter. It was agreed that the federal courts should have power over questions concerning all of the states but that they should not have power in any way to interfere with the domestic commerce and power of taxation and other internal affairs of the states. The states feared the establishment of a strong central government because they thought it would weaken the state governments.

This fear of the individual states was pitted in the convention against the need of a strong judicial system. The provisions of Article III of the constitution were the result. By this the supreme court was created and congress was given the power to establish inferior courts; and the judges of all courts, it is provided, shall hold their offices during good behavior. The article also defines the cases over which the courts have jurisdiction.

Oliver Ellsworth of Connecticut, who later was chief justice of the supreme court, devised the judicial system just about as it is fixed by the constitution. Even after this was done it was thought the weakest part of the government. This was the opinion of Alexander Hamilton, but George Washington thought it the "chief pillar upon which our national government must rest." The provisions were very bitterly attacked when the ratification of the constitution was being considered by the states, and came near defeating it.

The supreme court was first organized with a chief justice and five associates. All were able men and for several years had very little to do. It looked as though the court would not be a success. Then President Adams in 1801 appointed John Marshall of Virginia chief justice. He held the position thirty-four years and in that time the court became a strong branch of the government. His work had very much to do with the development of the idea that the United States constitute a nation. During his time the power of the court and the unity of the states and the strength of the central government were built up by four principles, which the court, under his leadership, laid down:

1. The court has the power to declare that a federal statute violates the federal constitution and is therefore void.

2. It has the right to hear cases decided by the state courts if there is some question arising under the federal constitution.

3. It has power to declare that state laws violate the United States constitution and therefore are void.

4. Congress has the powers given it by the constitution, as we have seen, and also has powers which are implied, that is, which may be inferred from language used in the constitution, if they are not forbidden.

So the court has helped to make a strong central government, and at the same time the states have retained their independence.

System of Courts. The courts established by congress are: many district courts with one judge each, and nine circuit courts of appeals, each with at least three judges, all of whom hold office during good behavior. Appointments are made for life so that these offices may be taken out of politics and all parties having business in court may be given a fair hearing. All the judges may be removed for misconduct by impeachment proceedings, which must begin in the house of representatives and be tried in the senate. So the judiciary has power to interpret the acts of congress and congress may punish misconduct of judges.

Compensation of judges has varied, but the chief justice of the supreme court is now paid $14,500, and associate justices $14,000, a year. Other courts have been provided for the District of Columbia and the several

territories and possessions, and certain courts with special powers have been established.

District Court. This court was established in 1789. It is presided over by a district judge who is appointed from the district in which he presides. Each state is organized into at least one district and some of the states have several districts. The district court is the trial court of nearly all cases in which the United States courts have jurisdiction. A jury trial is held in law cases and the judge hears the other cases. All United States criminal cases outside of the District of Columbia and the territories are tried here. They are prosecuted by a United States district attorney, who acts under the supervision of the attorney-general. The executive officer of the court is the United States marshal.

Other Inferior Courts. The court of claims consists of a chief justice and four associates who hear all claims against the United States except those for pensions and those known as torts. Claims may be presented to the courts by the departments to which they are made, or by either house of congress. An alien may present a claim to this court if a citizen of this country could do the same in the government of which the alien is a subject. Appropriations are made by congress to pay the judgments of the court, and appeals may be taken directly to the supreme court.

The court of customs appeals passes on disputes over the collection of duties.

The courts of the District of Columbia have been provided by congress. These are police courts for petty offenses, justice courts for the trial of small civil cases, a

supreme court in which cases are tried the same as in our state district court, and a court of appeals to consider appeals from the supreme court. In certain cases appeals may be taken from this court to the United States supreme court.

Alaska has district courts the same as the district courts in the states, from which appeals may be taken to the circuit court of appeals. Hawaii has a supreme court and inferior courts established by the legislature of the territory. There is a federal judicial district with a district judge, and appeals may be taken to the circuit court of appeals, and in certain cases from the supreme court of the territory to the supreme court of the United States.

The Philippines have several district courts and a supreme court from which appeals may be taken in certain cases to the United States supreme court. Porto Rico has municipal courts and a supreme court and a United States district court from which appeals may be taken the same as from other districts, and the judgments of its supreme court may be reviewed the same as cases from the state courts. The Canal Zone has a United States court like a district court, from which appeals may be taken to the circuit court of appeals. Finally, we have a court in China to settle commercial disputes which in most countries would be settled by consuls.

Circuit Court of Appeals. The circuit court of appeals was established in 1891 to relieve the work of the supreme court. There are nine of these circuits. Each justice of the supreme court is assigned to one of them. Appeals are taken to this court from the district court. In some cases the decision is final, but in others an appeal

may be taken to the supreme court of the United States. In criminal cases its decisions are final unless the accused was convicted of a capital offense.

The Supreme Court. This court is now composed of a chief justice and eight associate justices. Most of



United States Supreme Court

the work of the court is hearing appeals from the circuit court of appeals and the district courts of the United States and its territories. It also hears many cases which are brought there from the state supreme courts. The court, however, has original jurisdiction where ambassadors or other public ministers and consuls are affected and in cases where a state is a party. In cases between states and between a state and the United States, and in those affecting ambassadors, ministers, and consuls, its jurisdiction is exclusive, but cases brought by a state against

citizens of another state may be brought either in the supreme court or in the district court.

It convenes in the supreme court chamber in the United States Capitol at Washington on the first Monday of October of each year, and hears arguments in the cases which have been brought to the court. The work of each term extends over a number of months. All the opinions of the court are written and frequently become historic political documents. Many of the decisions have caused much public discussion, and sometimes have been the ground of much controversy in political campaigns.

Cases Tried in Federal Courts. The cases which may be tried in the United States courts are named in Section 2 of Article III of the constitution and may be stated as follows: (1) both civil and criminal cases which grow out of any part of the constitution or a law of congress, or a treaty which has been made by the United States; (2) cases which affect ambassadors, and other public ministers and the consuls; (3) cases involving American ships and their cargoes, and their rights on the seas and public waters; (4) cases in which the United States is one of the parties; (5) cases between two or more states, or a state and citizens of another state, or citizens of different states, or between citizens of the same state claiming lands under grants from different states, and between a state or its citizens and foreign states or their citizens or subjects.

As the district courts are the usual trial courts, they try all cases arising under national bankruptcy, banking, internal revenue, patent, copyright, and trade-mark laws, and laws regulating commerce between the states, suits against

consuls and vice consuls, and other civil and criminal cases over which these courts have jurisdiction. We have seen that the other courts consider only appeals except that the supreme court has original jurisdiction in certain cases.

SUPPLEMENTARY NOTES AND STUDIES

1. Why should courts be non-political?
2. When may the federal government interfere in a state?
3. What is impeachment?
4. What is the best way to keep the courts out of politics?
5. Why is the governor or the president better fitted to choose judges than the people?
6. What kind of men should be selected for judges?
7. In which circuit of the United States courts do you live? What states are in it? Name the present judges? What supreme court judge is assigned to the circuit? Who is your district judge?

PART IV. GOVERNMENT IN ACTION

CHAPTER XXI

SELECTING PUBLIC OFFICERS

Methods of Selecting Public Officers. We have seen that officers are selected by two methods, election and appointment. The following are elected: all legislative officers, local, state, and national; the president and vice president of the United States; the principal executive officers and all judicial officers of the state; and the principal executive officers of the township, school district, county, village, and city. The following are appointed: all national executive officers except the president and vice president; all federal judicial officers and subordinate executive officers of the state and its political subdivisions.

We have seen that the system of having appointive officers change whenever there is a change in administration is objectionable. The argument in favor of the appointive system has been that men better fitted for the offices to which they are appointed can be selected by this method than by election, but the power of appointment tempts the appointing officer to give too much attention to politics and to attempt to build up a political organization.

Under the spoils system promises to appoint to office frequently are used to induce men to help elect party

candidates. To cure this tendency the merit system of civil service has been adopted in the federal government, as we have seen, to have subordinate positions filled by those who have passed examinations. This plan has never been used in our state government at all, though it is used somewhat extensively in other states. We shall consider particularly now the selection of officials by election.

The Place of Political Parties. Choice by election is made from candidates selected for the offices to be filled. We have seen how important public opinion is. The citizens who think about public questions will not agree in their views as to what ought to be done to promote the public welfare. You know how difficult it is to have the members of your own family or your schoolmates on your playground think the same way on questions that arise. So there always are different views as to what policies should be adopted to make the government efficient and successful.

There usually are two or more plans as to the best way of promoting the general welfare of the people. It has been the policy from the beginning of our history for all having the same views to form an organization to give strength to their cause by educating the people to their way of thinking and increasing the number of their supporters. Such an organization exists not only to create public opinion in its favor but to give effective expression to such opinion at the polls, and is known as a political party.

Since we have been a nation we always have had two prominent parties. When the constitution was to be ratified there were the Federalists, who favored ratification,

and the Anti-Federalists, who opposed it. For many years the principal parties have been the Republican and Democratic. The organization of a party consists of its party committees. Each party has a national committee consisting of one or two delegates from each state, chosen by the party organization in the state. It also has a state committee in each state, and a county committee in each county, and a local or precinct committee in each voting precinct. So there is an organization extending from the smallest political unit to the nation.

It is the duty of these committees to see that conventions are called when an election is about to be held, to discuss questions before the people and decide what political program shall be favored, and sometimes to select candidates of the party for the offices to be filled. Formerly the committees worked in about this way. The precinct committee selected delegates to the county convention, which nominated candidates for the county offices and selected delegates to the district and state conventions; district conventions nominated candidates for district offices; the state convention nominated candidates for state offices, and if a national convention was to be held, selected delegates to that.

But much opposition developed to this system because it was used to build up the power of political "bosses." As a result its place is taken in many states by primary elections, and party conventions are called there only to discuss and propose party policies, and to perfect organizations to assure the election of party candidates and the adoption of the policies proposed. This plan gives the party organization less influence in the selection of candidates.

Primary Election System. In 1905 a primary system was adopted in this state, and now all candidates for state, district, and county offices, representatives in congress and United States senators, are nominated at primary elections. Precinct committeemen and the national committeemen of each party are selected in the same way. All parties thus make their nominations on the same day. One who desires to be considered a candidate for a certain office must file a petition in the office of the county auditor, if for a county office, and in the office of the secretary of state if for a state or district office, at least thirty days before the primary election, signed by a specified number of voters, asking that his name be placed on the primary election ballot of the party named, if a party office, for the office designated. The name is then placed on the ballot with all others who are candidates of the party for the same office. Each party has its own election ballot.

The election is held on the last Wednesday in June of each even-numbered year. In this state all county officers, all judicial officers, members of the legislative assembly, the state superintendent of public instruction, and the county superintendent of schools are nonpolitical officers, so their names are placed on a separate nonpartisan ballot.

The election is conducted the same as other elections, except that one must announce when he votes, which party ballot he desires to vote, and can vote only the ballot of the party to which he belongs, according to his declaration to the assessor of his district. The candidate receiving the greatest number of votes for a certain office at this election is the nominee of his party for that office. If the office is nonpolitical the two persons receiving the greatest number

of votes for the office are candidates for it, or if more than one is to be elected to the office, those receiving the highest number of votes to the extent of double the number to be elected are considered nominated. Every four years in March we also have a presidential primary at which each party nominates delegates to the national convention, and a national committeeman, and presidential electors.

The Campaign. Following the nomination of candidates for offices there is a campaign which is carried on by the political parties, each making an effort to elect the candidates it favors so that its policies may be put into effect. There has been great temptation wherever elections have been held to purchase support by promises of office and even by the payment of money. It is said there was improper use of money in elections at the very beginning of American history. In 1737 Rhode Island passed a law against bribery and corruption.

In England, for centuries, votes were bought, and many efforts were made to put an end to corruption. Finally a law was passed limiting the amount which a candidate could spend to be elected to an office, and providing that if he spent more than this his election should be invalid, and he should be deprived of the office. The idea has been adopted in North Dakota, and in many other American states. This is the "Corrupt Practices Act" and requires that after an election is held each candidate must file a report showing the amount of money he has spent to be elected and the purpose for which it was expended. The amount he may expend is limited to fifteen per cent of the annual salary of the office which he seeks. He cannot promise an appointment to office to secure aid for his

election; treating is prohibited; and persons cannot be hired to carry others to the polls. If a person is found guilty of any corrupt practice to secure his election he is deprived of the nomination, if it was a primary election, and of the office, if it was a general election. Laws of this kind have helped to some extent to end some of the corruption that formerly existed, though the temptation to use dishonorable means still exists.

Who Can Vote at Elections. The United States constitution in the Fifteenth and Nineteenth Amendments provides that the right to vote cannot be taken away from any citizen by the United States or any state on account of race, color, or previous condition of servitude, or on account of sex, but each state otherwise has the power to determine the qualifications of voters. Electors who may vote at state elections also may vote for national officers.

According to the laws of this state every citizen of the United States twenty-one years old who has resided in the state one year, and in the county ninety days, and in a precinct thirty days, next preceding an election, has the right to vote. Every person who may vote is an elector. Civilized persons of Indian descent who have severed their tribal relations two years next preceding the election also may vote.

In cities having a population of at least eight hundred, voters must register, but where they fail to do this before election day they may vote on making affidavit that they are entitled to vote. In the large cities of the country registration is of great importance because there the election officers do not know the electors of the districts as such officers know the electors in rural districts and small

towns. In this state registration, therefore, is much less important than in the more densely settled parts of the country.

How Voting is Done. The method of voting is the same at all of the elections. General elections are held for the election of county, district, state, and national officers on the first Tuesday after the first Monday in November of even-numbered years. Other elections are the primary elections mentioned, township, school district, village, and city elections, and special elections which may be called from time to time to vote on various questions which by law may be submitted to the people.

We have what is known as the Australian ballot system. The names of the offices to be filled are placed in a column at the left of the ballot. Each party has a column on the ballot in which appears the list of its candidates, the name of the candidate for each office being placed opposite the name of the office in the left-hand column. At the top of each column of names is a square. If one desires to vote for all candidates of one party he makes a cross in the square at the top of the column. If he wants to vote for some candidates in one column and for others in another column, he places a cross after the name of each for whom he wishes to vote. On the nonpolitical ballot he places his cross opposite the name of each candidate for whom he wishes to vote.

The place of voting is called the polls. This is in charge of an inspector of election who chooses two judges of election from the principal political parties. A clerk is selected also from each of these parties. When one enters the polls he asks for and receives an official

"To vote for ... person whose name is printed on the ballot mark a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write or paste his name in the blank space provided for that purpose."

NAME OF OFFICE	CANDIDATE	
JUDGE OF THE SUPREME COURT	Vote for 1 Name Only	
	A. M. CHRISTIANSON	☐
	SETH W. RICHARDSON	☐
JUDGES OF THE DISTRICT COURT FOURTH DISTRICT	Vote for 2 names only	
	J. A. COFFEY	☐
	W. L. NUESSLE	☐
	M. C. FREERKS	☐
	GEORGE K. FOSTER	☐
		☐
		☐
		☐
SUPERINTENDENT OF PUBLIC INSTRUCTION	Vote for 1 Name Only	
	MINNIE J. NEILSON	☐
	RUTH M. JOHNSON	☐
COUNTY SUPERINTENDENT OF SCHOOLS	Vote for 1 Name Only	
	W. E. PARSONS	☐
SHERIFF	Vote for 1 Name Only	
	ROLLIN WELCH	☐
COUNTY AUDITOR	Vote for 1 Name Only	
	FRANK J. JOHNSON	☐
COUNTY TREASURER	Vote for 1 Name Only	
	HIRAM LANDERS	☐
	J. A. FLOW	☐
CLERK OF DISTRICT COURT	Vote for 1 Name Only	
	CHARLES FISHER	☐
REGISTER OF DEEDS	Vote for 1 Name Only	
	LEO R. MORRIS	☐
	RICHARD PENWARDEN	☐
STATES ATTORNEY	Vote for 1 Name Only	
	EDW. S. ALLEN	☐
	F. E. McCURDY	☐

NAME OF OFFICE	CANDIDATE	
COUNTY JUDGE	Vote for 1 Name Only	
	J. C. DAVIES	☐
	THEODORE MARTELL	☐
		☐
		☐
PUBLIC ADMINISTRATOR	Vote for 1 Name Only	
		☐
		☐
COUNTY SCRIVEVOR	Vote for 1 Name Only	
	T. R. ATKINSON	☐
		☐
		☐
COUNTY CORONER	Vote for 1 Name Only	
	HERMAN J. STROLKE	☐
		☐
COUNTY COMMISSIONER FIFTH DISTRICT	Vote for 1 Name Only	
	VICTOR MOYNIER	☐
	W. H. MORRIS	☐
		☐
	Vote for 1 Name Only	
		☐
		☐
		☐
JUSTICES OF THE PEACE	Vote for 6 Names Only	
	ANTON BEER	☐
	W. S. CASSELMANN	☐
	GEO. H. DOLAN	☐
	R. H. THISTLETHWAITE	☐
		☐
		☐
		☐
		☐
		☐
		☐
CONSTABLES	Vote for 4 Names Only	
		☐
		☐
		☐
		☐
		☐
		☐
		☐
		☐

SAMPLE NONPOLITICAL BALLOT

ballot which is stamped on the back by the inspector of elections so that it can be identified as official. He takes it into the booth, which is so arranged that his marking of the ballot cannot be seen. He marks the ballot as he wishes, then folds it and hands it to one of the election officers. His name is called and is written down by the clerks.

Each party has a challenger at the polls, whose duty it is to challenge the right to vote of any person whose right is doubted. If a voter is challenged he nevertheless may vote if he makes oath that he is entitled to vote.

At all *general* elections in this state it is permissible for one who cannot be present in the county of his residence on election day to vote by the absent voter's ballot. This is done by making application to the county auditor before election day and marking the ballot and swearing to it, and sending it to the county auditor to be forwarded to the precinct of the voter's residence so that it can be opened and counted on election day.

When the polls are closed the vote is counted and the official report and ballots are sealed and sent to the county auditor. Later the results of the election are canvassed by a canvassing board, when the official result is announced. In case of state officers the results found by the several county canvassing boards are canvassed by the state canvassing board.

Improvement in Selection of Officers. The Australian ballot was not used until about 1890. For many centuries citizens in some countries have had the right to vote. In ancient times the practice of using a little ball was established. This gave opportunity for a secret vote.

In Greece voting was sometimes done by showing hands. The American colonies were among the first to have the paper ballot. In some of the colonies there was a viva voce system which continued until late in the nineteenth century.

When the printed ballot began to be used there was great temptation in districts controlled by political bosses to fold ballots together and stuff the ballot boxes. It gave opportunity for fraud which was not present while the viva voce system prevailed. Another evil that crept in with the system was the process of repeating by which one man voted at different polling places or even at the same one under different names.

Before the Australian system was adopted the party ballot was used, each party having a ballot of its own. The system we now have was first used in Australia and makes it possible for votes to be secret and therefore permits a voter to be independent so that he can select his candidates and vote for them from different parties without having his choice known to election officers or party managers.

This system is now so well safeguarded that it has helped to put an end to the old evils and has made it more difficult for the "boss" or a "political ring" to carry elections by fraud. A modern tendency has been to inform voters fully upon the issues which they are to decide and as they have become informed they have taken a deeper interest in political questions and have voted more freely at general elections. With their increased knowledge and greater interest there has been more independence, which has been encouraged and protected by the present plan.

SUPPLEMENTARY NOTES AND STUDIES

1. Who fixes the qualifications of voters at federal elections?
2. Describe the method of voting.
3. What is the purpose of registration?
4. Describe the Australian ballot system.
5. What are the reasons for the different qualifications required of voters?
6. What are the advantages in having political parties?
7. What are the objections to a long ballot?
8. Explain the difference between nominating and electing candidates.
9. Resolved, That better officers would be selected and that public affairs would be better administered if the short ballot were used.
10. Hold an election using genuine election ballots.

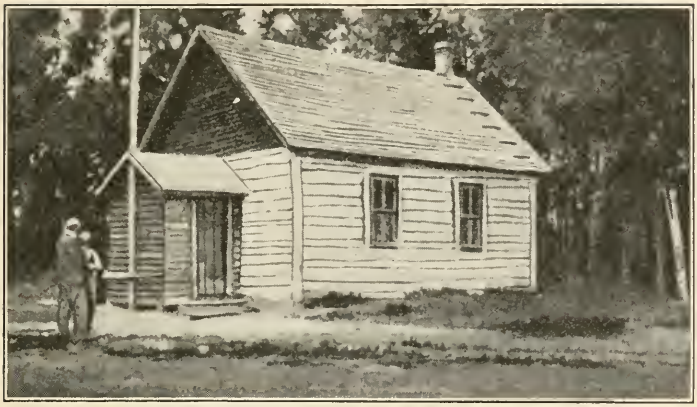
CHAPTER XXII

OUR EDUCATIONAL SYSTEM

Necessity for Education of Citizens. We have seen how each citizen has a part in making our government what it is. It is very important, therefore, that each should be well informed and capable of forming opinions upon the subjects he must consider as a citizen. The makers of our state constitution took thought of this in the following provision:

"A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota, and free from sectarian control."

The legislative assembly was required at its first session to provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all the grades up to and including the normal and collegiate courses. It is provided also that in all schools instruction shall be given, so far as practicable, in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance,



An Old-fashioned Country Schoolhouse

purity, public spirit, and respect for honest labor of every kind.

The Idea of Free Public Schools. Free public schools were first organized in the New England colonies and particularly in Massachusetts and Connecticut. The first organizations created by the early settlers were the church and the school, and as early as 1635 provision was made for the support of schools in the New England towns. This made it possible for each child who had learned the rudiments at home to have a good common school education. The idea of having free schools open to all the children in Connecticut spread into the other colonies and one after another such schools were opened. At first they were open only for children who had been trained at home, but later the elementary subjects were taught.

By the time the Ordinance of 1787 was adopted for the government of the Northwest Territory the idea of public

schools prevailed. It was expressed there in the following language: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Free kindergartens and high schools are included in the idea now, and the opportunity for an education is within the reach of all.

Common School System. In the state of North Dakota the common schools are organized with the township as a unit in all but the following five counties: Barnes, Cass, Grand Forks, Pembina, and Walsh. The so-called district schools are graded and a course of study is prescribed by the state superintendent of public instruction. To improve the facilities for the rural districts there is provision for consolidation so that all of the schools of a township, or more territory, may be combined in a well equipped modern building, with well trained teachers.

Rural high schools in the state are not unusual. Teacherages may be built in connection with consolidated schools so the teachers may live conveniently near their work. Transportation to and from these schools may be furnished by the district and paid out of district funds. This places within reach of every farm home in the district the advantages of a well organized, fully equipped graded and high school system, and gives every country boy and girl the school advantages he or she would have in the largest city.

In towns and cities graded and high schools are maintained, and pupils from the country districts without high schools may be admitted and their tuition paid by the

district from which they come. Free textbooks may be furnished. The course of study is the same throughout the state.

Every state rural, state graded, and consolidated school, and every high school which complies with the requirements of the state as regards standardization, receives aid from the state in addition to the apportionment of the state and county tuition funds and direct taxes levied. Upon sufficient petition to the school board a free public kindergarten may be established for children under school age. So you find various plans made by our law to place a liberal education within the grasp of all persons of school age within the state.

Compulsory Education. Every parent, guardian, or other person who has control over any child between seven and fifteen years of age must send the child to school the entire time the public schools are in session, unless the child is sent to a parochial or private school approved by the county superintendent, or unless the child already has acquired the branches of learning taught. If the child has not completed the eighth grade when fifteen years of age, attendance is compelled until the seventeenth birthday if necessary. A child may be excused if actually necessary to the support of the family, or if physically or mentally unfit to attend.

The reasons for compelling attendance are that the years mentioned are the ones in which the child can do least in business or industry, and in which there is little difficulty in learning. If the compulsory attendance law is violated, complaint must be made by the teacher to the county superintendent, who complains to the state's attor-

ney. A school census is taken yearly so that those who should attend school are known. One guilty of violating the law may be punished by fine. In some states violators may be imprisoned and in a few of these states, a district which does not enforce the law is deprived of school funds. In larger districts a truant officer frequently is employed to enforce the law.

Compulsory education laws have existed since 1642. As early as that it was the legal duty of parents in the New England colonies to provide for the education of their children. But in many of the states these laws have been of little value because the penalties for violation have not been severe enough to compel obedience. The first effective laws were passed about fifty or sixty years ago. In some foreign countries school attendance is much more general than here, and for this reason the percentage of illiteracy in the United States is much higher than in those countries.

In this country those states which enforce this law best have the lowest percentage of illiteracy. Some southern states without such laws have more than one fourth of their population illiterate.

Special Instruction. The common schools of the state use the courses of study prepared by the superintendent of public instruction. These courses conform to the best standards as fixed by educational experts. The tendency has been to make courses throughout the country more nearly uniform. The United States bureau of education and the National Educational Association have helped to bring this about. In addition to the regular courses, special instruction is provided for.



A Class in Manual Training

Free kindergartens are established in many of the schools. Every teacher is required to impress upon the minds of pupils the importance of truthfulness, temperance, purity, public spirit, patriotism, international peace, respect for honest labor, obedience to parents, and due deference for old age. Physical education to develop and discipline the body and promote health through systematic exercises must be taught. Physiology and hygiene of the human body, with special instruction concerning the nature of alcoholic drinks and narcotics and their effect on the human system, and the treatment and prevention of tuberculosis and other contagious diseases, must receive attention.

The law requires that the flag be displayed upon the schoolhouse or flagstaff upon the school ground, in seasonable weather, during school hours. There must be patriotic exercises on Armistice Day, Washington's Birthday,

Lincoln's Birthday, and Memorial Day, if these fall on school days. Agriculture may be taught, and high schools with land and necessary equipment may qualify as county agricultural schools with state aid, if approved. Manual training and domestic science courses have been placed in many schools, and vocational education is provided for to train for agriculture and trades and industries. There is provision for agricultural demonstrations on the farms and in the homes, and county agricultural high schools may be organized.

Evening Schools. The school board of any common, independent, special, or consolidated school may organize an evening school under the direction of a county superintendent or a city superintendent, if there are persons in the district over sixteen years of age who cannot attend the public schools and who desire to attend such a school. A public evening school organized in this way becomes a part of the public school system. One half of the salaries of teachers is paid by the state, while the other half is borne by the district, unless application is made to the county commissioners, in which case the county may pay an amount equal to the amount paid by the district.

The Teacher. The importance of trained teachers in the public school system cannot be too strongly emphasized. Buildings and equipment are valuable as the teacher's tools, but they are of little worth unless teachers are well trained and sufficiently educated to make the schools a success. The importance of the teacher was most clearly stated by President Garfield when he said that his idea of a college education was a log with Mark Hopkins, the noted educator, sitting on one end, and a boy on the other.

Teachers in this state must be citizens of the United States or must have declared their intention to become such, and must be at least eighteen years of age. Their qualifications are determined by examination or by evidence of training in higher institutions of learning. Their authority to teach is a certificate issued by the superintendent of public instruction. Certificates are graded and are issued only upon compliance with the requirements of the law.

Each teacher is required to keep a record of school attendance and must teach the subjects specified by law. One difficulty in securing suitable teachers in the past has been the unsatisfactory salaries paid for their work. A minimum salary law was enacted to remedy this situation but was repealed by an initiated measure which was adopted at the primary election in June, 1922. As the importance of the teacher's work becomes more thoroughly appreciated, a more adequate compensation may be expected.

A system of insurance has been provided. Each teacher is assessed a certain percentage of the salary earned each year, and after twenty-five years of service as a teacher may retire, and out of the retirement fund is entitled to receive annually one fiftieth of the annual salary of the last five years of service multiplied by the number of years of service. Under this rule not more than seven hundred fifty dollars, and not less than three hundred fifty dollars, is paid in one year.

Teacher Training. To prepare teachers for their work there have been established free normal schools at Valley City, Mayville, Minot, and Dickinson. These are

under control of the board of administration and are supported by taxes, except that Valley City has the benefit of a grant of fifty thousand acres of land, and Mayville of thirty thousand from the federal government. The proceeds of the sale of these lands are retained as a permanent fund which is invested for the benefit of these schools, the income being available for current expenses.

These schools, with permission of the board of administration, may now grant degrees upon the completion of a four-year course. Such permission was granted to the Valley City Normal School in 1921, which is now designated a state teachers' college. There also is a teachers' college in connection with the state university. Diplomas from certain other colleges are recognized in the granting of certificates. While in service teachers must attend teachers' training schools and institutes and are entitled to pay during their attendance. Other agencies for the training of teachers are the state and county educational associations and the teachers' reading circle.

Other Institutions of Higher Learning. The state university at Grand Forks was organized immediately after statehood to provide the means of acquiring a thorough knowledge of the various branches of learning connected with scientific industries and professional pursuits. It maintains a college of arts, college of letters, teachers' college, school of mines, law school, and a school of medicine.

The agricultural college located at Fargo is organized to afford practical instruction in agriculture and natural sciences which bear upon all industries, arts, and pursuits. It has a geological survey which coöperates with the



A Class in Mechanical Drawing

United States in making topographic, economic, and agricultural surveys and maps of North Dakota; maintains experimental stations and substations to make experiments in agriculture; analyzes drugs and medicines, foods and beverages; tests cereals and seeds; and enforces various sanitation and other laws.

There is located a school of forestry at Bottineau to furnish instruction and training in subjects bearing on forestry and horticulture, but this is now conducted as a normal school. The normal and industrial school at Ellendale provides instruction in various vocational and domestic subjects. The school of science at Wahpeton furnishes instruction in the applied sciences. And there are various denominational academies and colleges, notably among them being Fargo College at Fargo, Jamestown College at Jamestown, and Wesley College at Grand Forks.

How Schools are Maintained. Upon admission into the union the state made an agreement with the United

States government that public schools shall be maintained and shall be open to all children of the state and free from sectarian control, and there were granted to the state sections sixteen and thirty-six in each township for the support of the common schools. These must not be sold for less than ten dollars an acre. The principal derived from sales is a permanent fund, which is invested, and the interest only is used to support schools.

Five per cent of the proceeds of the sales of public lands sold since statehood, after deducting expenses of sale; the proceeds of property which escheats to the state; the proceeds of gifts and donations to the state for common schools, or any other property acquired for the schools, become a part of this fund, and the income only may be spent. The money is invested by the board of university and school lands.

This income is known as the interest and income fund and is apportioned four times a year to the various districts of the state according to the number of children in the districts as shown by the school census reports. At the same time and in the same manner the fines and penalties collected in the several counties of the state are apportioned by the state. And at the same time each county apportions among the various districts of the county the proceeds of the school poll tax and the tax of one-half mill on the dollar of taxable property in the county, which is known as the county mill tax. In large part the schools are maintained by direct taxation on real estate and personal property.

The state educational institutions received land grants from the United States government as follows: university

and school of mines, eighty thousand acres; normal and industrial school, forty thousand acres; school of science, forty thousand acres; agricultural college, forty thousand acres. The proceeds from the sales of these lands are a permanent fund, the income of which is used for current expenses. The remaining expenses are paid by taxation.

Special Schools. To educate the blind children of the state a school for the blind is maintained at Bathgate, where the best methods of instructing this class are in use.



FIELD DAY AT THE SCHOOL FOR THE DEAF

At Devils Lake a school for the deaf is maintained which is well equipped and in charge of specially trained instructors. These classes are educated so that they are useful and self-dependent members of society.

Supervision. Special districts are supervised mainly by the city superintendents. All other schools of the county are supervised by the county superintendent, and the entire educational system of the state is under the general supervision of the superintendent of public instruction. The institutions of higher learning are under the management and control of the board of administration. The authority of these several officers has been considered in other chapters.



Bread Making: Girls' Club Work

SUPPLEMENTARY NOTES AND STUDIES

1. Why should education be free? Why compulsory?
2. Why should good salaries be paid to teachers?
3. What are the advantages of using schools for social centers?
4. Is an educational system more necessary here than in some other countries? Why?
5. Is there complaint in your community about school taxes?
6. In what ways can your school building be used after hours with benefit to the community?

CHAPTER XXIII

PROCEEDINGS IN COURT

Kinds of Proceedings. There are two general classes of lawsuits or cases in court,—criminal and civil; and civil cases are of two kinds,—those at law and those in equity. A criminal case is one brought by the state for the violation of a state law, or by the United States for the violation of a United States law. A civil case is one between persons to settle some dispute over contracts or property rights.

The first step in a criminal case is the arrest of the person accused of crime. We shall study briefly the proceedings in case of a charge of violation of a state law. An arrest is taking a person into custody for violating a law. The arrest may be made by an officer, if he has a warrant commanding him to make it. He may arrest without a warrant when a public offense is committed or attempted in his presence, or when a felony is committed though not in his presence; and a private person may make an arrest without warrant under the same conditions. A warrant is the command of a magistrate to an officer, made in writing, that a person named be taken into custody. It is issued by a magistrate when a complaint has been filed in his office charging the commission of a crime. A warrant in most cases can be issued only if it is approved by the state's attorney.

Preliminary Examination. When a person is arrested and brought before a magistrate he must be informed at once of the charge against him and of his right to counsel, and also of his right to consent to be bound over to appear in district court to answer the charge. If he does not consent to be bound over, a preliminary examination is held by the magistrate at which the state's attorney presents testimony to support the charge of crime, and the defendant may produce witnesses to contradict this testimony. If the magistrate is satisfied that the offense has been committed and that there is sufficient cause to believe the defendant guilty he is ordered held to the district court, where he is tried.

Bail. In a former chapter we have considered the right of an accused person to bail. This means the right to be released from custody upon furnishing security that he will appear at the time required in district court. He may be admitted to bail also between the time of his arrest and the time of his preliminary examination. Where a person is charged with an offense punishable by death he cannot be admitted to bail.

Information. An accused person is entitled to a speedy trial, as you have learned, and if he has been held to the district court he must appear there at the first day of the next term at which a jury is called. At that time he is *arraigned.* This means that the state's attorney makes a charge in writing which is called the information and which sets out the nature of the offense with which the defendant is charged. It is permissible to present these charges to a grand jury and if a grand jury has been called and has returned an *indictment,* the indictment con-

stitutes the written charge instead of the information. A grand jury is very seldom called in this state.

The information or indictment, whichever it may be, is read to the defendant before the presiding judge, and the defendant states whether he is guilty or not guilty. This answer to the charge is called his *plea.* If he pleads guilty the court sentences him by fixing the punishment for the offense, which consists either of fine or imprisonment, or both.

Trial. If the plea is "not guilty," a trial is held. The first step in the trial is the selection of a jury. We have already considered how juries are selected, the defendant being entitled to a jury consisting of citizens who are impartial. To secure such a jury any who have formed an opinion as to the guilt or innocence of the defendant may be excused for their bias. There are certain other grounds for excuses of this kind. In addition the defendant has the privilege of excusing a certain number of other jurors without cause, the number depending upon the nature of the offense. Excuse without cause is a *peremptory challenge.*

When the jury is selected the state's attorney tells the jury what he expects to prove and then offers evidence to establish the accusation in the information or indictment. After the state has concluded its testimony the defendant's attorney states the defendant's case and then offers evidence in support of it, and after the evidence is all offered the arguments are made by the attorneys. When these are concluded the court instructs the jury as to the law in the case. That is, the jurors are given the rules of law which apply to the evidence they have heard,

and it is their duty to decide from the evidence and these rules whether the defendant is guilty of the accusation beyond a reasonable doubt. Their verdict must be "guilty" or "not guilty," and it must be unanimous.

In case the verdict is "guilty" the court then pronounces sentence by fixing the fine or imprisonment, or suspending sentence, which means that the sentence is held open to see how the defendant conducts himself. If he is law-abiding he does not suffer punishment, but if he commits any offense he may be brought before the court and punished for the offense of which he has been found guilty. If the verdict is "not guilty" the defendant is discharged and may not be tried again for the same offense.

Appeal. If the verdict is "guilty" the defendant has the right to appeal to the supreme court to see if any error has been committed by the trial court. The supreme court considers the questions of law and may decide whether the evidence is sufficient to sustain the verdict of "guilty." If the court finds that an error has been committed the case is sent back to the district court for a new trial, where the proceedings we have studied must be had again. If no error is found the defendant serves the sentence pronounced by the trial court.

Petty Offenses. When the offense charged is punishable by a fine not exceeding one hundred dollars or by imprisonment in a county jail for not more than thirty days, or by both the fine and imprisonment, the offense may be tried before a justice of the peace, and if the defendant is found guilty he may appeal to the district court, where he is entitled to a trial by a jury.

United States Courts. In the United States courts the procedure in criminal cases is very much the same as that outlined here. The magistrate who conducts the preliminary examination is a United States commissioner; and the court where the trial is held is a United States district court. In the United States courts an indictment is necessary in nearly all cases, but the trial procedure is about the same as in the state courts. Where the accused is found guilty and a sentence of imprisonment is imposed the confinement in the more serious offenses is in one of the federal penitentiaries, while for minor offenses imprisonment is in a county jail of the state.

Extradition of Criminals. Sometimes when an accusation is made the accused is out of the state and can be brought back only by what is called an extradition proceeding. One out of the state with the intent of avoiding arrest is called a "fugitive from justice." In such case an application is made by the state's attorney to the governor of the state, who makes a requisition upon the governor of the state in which the fugitive may be found, to have him delivered up for prosecution. The accused may demand a hearing in such a case and if good ground is shown for his discharge before the governor upon whom demand is made, extradition may be denied. It is difficult, however, to secure a release in this way and usually the accused is surrendered as requested.

Habeas Corpus. We already have seen that an accused person cannot be denied the writ of habeas corpus to inquire into the cause of his imprisonment or restraint. When the court has granted such a writ the person who

holds the accused must bring him into court and show his authority for holding him. If the court upon investigation finds that the accused is entitled to a discharge for any reason, he is released, but if his restraint is found regular and legal he must submit to it.

Civil Cases. A civil suit for an amount less than two hundred dollars, except for real property, may be tried in justice courts. The suit is started by the issuance of a summons by the justice of the peace commanding the "defendant" to appear in court at a certain time to answer the complaint of the "plaintiff." The plaintiff is the person who brings the suit to recover money upon his claim, and the defendant is the one against whom suit is brought. At the time fixed the defendant may appear to answer the plaintiff's claim and if he does appear a trial is held before the justice, who decides the case, unless a jury is demanded. A jury in justice court consists of six jurors, who render the decision if all agree. The justice renders a judgment which states what must be paid or done by the person against whom the decision is made. The party who is defeated may appeal to the district court, where the case is tried as if it had been started there in the first place.

In district court a suit is started by issuing a summons signed by the plaintiff, or his attorney, which requires the defendant to answer the complaint within thirty days after it is served. The complaint is a statement in writing of the claim which plaintiff makes against the defendant. If the defendant answers the complaint the case is ready for trial. If it is a suit at law it is tried before a jury, which is selected much as the jury in a criminal case.

When it is selected the jury is sworn to try the case fairly, the plaintiff's attorney makes his statement and evidence is produced. Then the defendant's attorney makes his statement and produces evidence for the defendant.

After the evidence is all taken arguments are made by each of the attorneys and the jury is instructed as to the law, and then a verdict is rendered either for the plaintiff or the defendant, as the jury may decide. The decision must be unanimous. After the verdict is brought in judgment is rendered to agree with the verdict. If one of the parties is dissatisfied an appeal may be taken to the supreme court. This court usually has the evidence before it and decides if error was committed by the lower court. If so, a new trial is had; if not, the judgment can be enforced.

An equity case is commenced the same way as a law case but is tried by the court without a jury. A judgment is entered when the case is decided, and if the one against whom the decision is made is dissatisfied he may appeal to the supreme court and have the entire case reviewed.

SUPPLEMENTARY NOTES AND STUDIES

1. Attend the trial of a civil or criminal case in district court, if possible. If not, attend trial in justice court and have a report made on what is seen.
2. Why should one accused of crime have the privilege of furnishing bail to appear in district court?
3. Why should the verdict in a law suit be unanimous?
4. Do you think women should be permitted to sit as jurors? Give reasons for your answer.

CHAPTER XXIV

IMPROVEMENT OF ROADS

Roads in History. The greatest road builders of early history were the ancient Romans. They are said to have gained some of their ideas from the Carthaginians. The best known of the early Roman roads was the Appian Way, which was begun 312 B.C. These roads have been in constant use since they were constructed and have deteriorated but little.

In the past three hundred years Great Britain has constructed thousands of miles of roads showing the highest engineering skill. It has been said that the union of England and Scotland (in 1707) was due not so much to an agreement between the countries as to the building of a great highway from London to Edinburgh, called the Great North Road. Throughout the British Empire have been built hundreds of miles of pike roads and highways, which have promoted trade and increased the value of property and improved the living conditions of the inhabitants affected.

In our day France leads the world in road building. The nation has spent hundreds of millions of dollars in the construction of its common roads and annually spends about three per cent of their first cost to keep them in re-



A Stretch of Modern Road

pair. Large forces of engineers are in charge of the construction and repair of the highway system.

Importance of Good Roads. It no longer can be questioned that good roads are a great factor in the development of civilization. Statesmen as well as scientists agree that efficient means of communication are the very foundation of a nation's unity and progress. It has been said that roads are the veins and arteries by means of which the circulation of the social body is carried on. Where these are clogged the people have little in common, and the development of civilization is retarded. The progress of India, it is claimed, is due largely to a military road built by the British from Bombay to Calcutta.

American Roads. About the time our national government was organized the construction of public

highways in this country was begun, but these were built east of the Alleghany Mountains. The principal roads built were, one from Philadelphia to New York, and later a stage road from New York to Boston. In the early part of the last century, congress, under the leadership of Henry Clay, provided for the construction of the Cumberland Highway, which extended from Cumberland, Maryland, westward. Other national roads also were built. After this, however, the national government ceased its work of making internal improvements and its road-building program was abandoned.

The rural highways of our country are said now to be the poorest existing in any country considered highly civilized. This situation is due to a number of factors. The distances are very great. The major portion of our territory is comparatively new. For many years there was an idea that the remarkable development of our railroad systems made unnecessary the permanent improvement of the highways.

More important than these is the fact that since the road-building program was abandoned by the national government the prevailing idea has been that the counties, or other local subdivisions of our country, should bear the cost of road construction and repair. So for years those living in the rural districts have had to bear the entire expense of making the roads which they traveled. This has made the burden so heavy that they have been unable or unwilling to use the most approved road-building methods.

In recent years there has been a growing sentiment that the federal government, the state government, and the

local government each should share in the cost of building highways and maintaining them. The principle is just because the people living in the cities are making increasing use of country roads and in certain portions of the country a major part of the wealth is centered in the cities. Further, the roads are used as post roads and for traffic between the states.

Interest in Roads. Because of the increase in automobile traffic on highways a new interest in road improvement has developed. Rural free delivery, consolidated schools, high freight rates and congestion of traffic on the railroads, and agitation for improvement by the good roads advocates through newspapers, public addresses, farmers' institutes, and agricultural schools, all have been factors in arousing greater interest in permanent highways of high character, and in their complete and efficient maintenance. The promise of continental highways, such as the Lincoln Highway through the middle section of the United States, the National Parks Highway which traverses North Dakota from Fargo to Beach, and the Roosevelt Highway traversing the state from Grand Forks to Mondak, also has had a stimulating effect upon public sentiment.

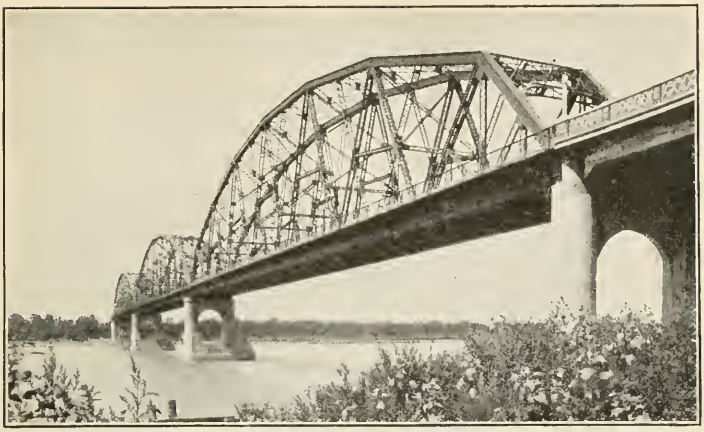
Road Building by the Government. Formerly the road work, as we have seen, was in charge of small political subdivisions and was done largely by the taxpayers of these political units in discharge of their road taxes. The system proved most unsatisfactory because the work was ordered by so-called "overseers" of highways who knew little of road building, and as a result the roads were often merely patched in those places where improvement

was most urgently needed and were generally maintained in poor condition.

In recent years an effort was made in many states to improve upon this system by providing for a county superintendent of highways in each county, who was required to be an expert in road construction. Some improvement was made as a result, but the most wholesome effect of the county system was the growth of interest in the good roads movement to such extent that state aid was insisted upon.

The Present System. Road construction in North Dakota, and in nearly all states of the union, at the present time, is primarily in charge of a state highway commission. The board of county commissioners of a county may decide upon the improvement of certain roads in the county and then make application to the state highway commission for aid, and if the work is undertaken by this commission it has general control and supervision of the construction, improvement, repair, and maintenance of the roads proposed and any bridges which may be a part of it. This puts the roads under the control of an engineering staff of road building experts and the result is that better roads are built. The state funds used by the highway commission are derived in this state from automobile licenses, apportionments being made to the several counties according to the amount of license money received from them after deducting the expenses of the licensing system.

Within very recent years the federal government has appropriated many millions of dollars annually to be expended in building post roads in coöperation with the



Missouri River Bridge

state highway commissions of the several states. This federal aid is under the supervision of the bureau of public roads of the department of agriculture. The bureau also builds model roads in different sections of the country, ascertains the properties and value of good road materials and investigates the effect of different kinds of travel upon highways. A number of highways in our state are in process of being constructed with federal aid. The most important project undertaken jointly by the state highway commission and the federal government is the great Missouri river bridge which spans the Missouri river between Bismarck and Mandan.

The county commissioners and the township boards of supervisors still have the power to make road improvements within their respective political subdivisions. Their funds in large part are secured from taxes levied for these purposes. It will thus be seen that the system which

is now in use is one in which local, state, and national governments share in road building.

In New Jersey, Massachusetts, and New York there has been state aid for a number of years and the result has been a marked improvement of the highways in those states. It has been contended for many years by road experts that no country in the world has ever succeeded in producing a permanent system of well-improved highways without the aid of the general government. If this theory is correct it should be possible, with proper cooperation on the part of the several states, to build a system of national highways which will be in harmony with other public improvements in our country and which can be kept at a uniform standard of excellence.

Kinds of Road Construction. In Europe it has been found that the macadam road is the cheapest, the most durable, and most suitable for the improvement of country highways. This consists of a thin layer of crushed rock, reduced to a uniform size, which under traffic is pressed into a smooth and hard crust which cannot be penetrated by water.

In some parts of our own country concrete has been used to build long stretches of highway. In other places asphaltic materials are used, while in those sections where the price permits brick is a common road-building material. As interest in roads increases it is probable that some material reasonable in cost will be found suitable for the climatic conditions of the different sections of our country, so that in all parts of the United States there will be a network of highways which can be traveled in all kinds of weather.

Road Maintenance. If properly constructed roads are not well maintained they are readily damaged by heavy traffic. Proper dragging while the road is drying after a rain prolongs the life of the dirt road. If this is not done, reconstruction is necessary after a short period of use.



Making a Graded Road

The split log drag is considered the best device for rural districts. This requires vigilance and regularity. In some localities the roads are now maintained by employing men to drag certain sections of the road at proper times and the results are gratifying.

New Roads. Every section line is made a highway by law so that the owners of land hold the title subject to the right of the government to lay out a road along the section line without compensating the owner. When necessary the road is laid out by the township board or

the board of county commissioners, the authority depending upon whether the congressional township has been organized into a civil township. If for any reason the section line cannot be used another route must be acquired, and in such case the right to use the route must be purchased or condemned and payment made for the property. It is then the duty of the board having jurisdiction to construct the road.

Streets. The streets of villages and cities are used more than highways, and, therefore, are more difficult to maintain. They usually are improved by graveling or paving. Improvements of this kind are made by assessing the property which is specially benefited by the road. The expense necessitated by such improvements is thus met without difficulty, while country roads must be improved and maintained by general taxation. State aid and federal aid are not given to maintain the streets of villages and cities.

Beautifying Roads and Streets. Too little interest has been taken in the beautifying of streets and roads. A road well graded and maintained, in itself can be kept smooth and attractive. The sides of a road should be kept free from weeds. If weeds grow they should be cut and the highway kept neat and clean. Trees and shrubs should be planted wherever possible. Highways in eastern states are made beautiful driveways and add to the enjoyment of travel, because on either side are maintained rows or groups of trees. It has been found that this may be done successfully in this state and the people of different communities should vie with each other to make their highways attractive.

SUPPLEMENTARY NOTES AND STUDIES

1. What is the state spending each year for the improvement of our roads?
2. Are country roads in your vicinity as well built and kept as they should be? If not, who is responsible for it?
3. If you live in a village or city what board has charge of the improvement of streets, and how will you proceed to get them improved if they need it?
4. Is the road on which you live a state, county, or township road?
5. What has made the automobile an important influence in creating interest in good roads?
6. Can trees be successfully planted and grown along roads and streets?
7. What kinds of trees are best suited to this purpose?

CHAPTER XXV

PUBLIC HEALTH

Health and General Welfare. There is no way in which the general welfare can be better promoted than by protecting the health of the people. In times past there have been pestilences and epidemics so destructive of life that the whole commercial and industrial and political life of nations has been paralyzed. It is only within the last few decades that state and local governments have begun to pass health laws and to make regulations protecting life by sanitary and other measures which prevent disease and provide the means to stamp out disease.

Great progress has been made in a knowledge of the causes of disease and through this knowledge it has been possible to increase the span of life and to reduce the death rate. So much disease is due to external causes that prevention by regulation is possible. We shall consider the means and agencies by which this progress has been made.

Boards of Health. To make laws and regulations effective it is necessary to have them well administered. Various agencies are provided in the different states, but in this state the supreme health authority is the state board of health, which consists of the attorney-general, who is its president, and a vice president and a superintendent appointed by the governor. The superintendent must be a physician.



A Modern Hospital in Bismarck

The board has the power to make rules and regulations to prevent the spread of contagious or infectious diseases among persons and animals; to establish quarantine and isolate any person affected with contagious disease; to adopt sanitary measures; to remove any substance dangerous to the health; to cause the destruction of impure or diseased food that may be offered for sale, and to superintend the boards of health of cities, villages, towns, and counties. This board has adopted rules and regulations to prevent disease, which are required to be enforced the same as laws passed by the legislature, and violation of them is punishable as a crime.

The county board of health consists of the state's attorney, the county superintendent of schools, and a county superintendent of health who must be a physician. This board has general supervision of matters relating to the life and health of the people of the county, including water

supplies and sewerage systems, and may make necessary regulations in local health matters in cases of emergency.

Cities, villages, and townships have their own boards of health which are subject to the control of the state board. Their general duty is to make regulations and take any measures necessary to prevent disease and protect life by health rules.

United States Health Service. The United States government maintains a bureau of the treasury under the name of the public health service. This conducts intensive studies of the diseases of man, of rural sanitation, child, school, mental, and industrial hygiene, public health administration, stream pollution and sewage, and milk supplies, and publishes the results of its studies for the information of the public. It also collects and publishes information regarding the distribution of diseases dangerous to public health in the United States. Further, it maintains health service hospitals and coöperates with the state boards of health to stamp out some of the most dangerous diseases.

Contagious Diseases. One of the most important discoveries of the nineteenth century was the fact that many diseases are due to disease germs. It is diseases of this kind which cause epidemics. Measles, smallpox, diphtheria, typhoid fever, and tuberculosis are of this character. It was found as early as 1798 that by vaccinating persons against smallpox the disease could be checked. By the requirement that pupils in schools be vaccinated, the seriousness of smallpox as a disease has been reduced until it is rare and the form in which it is found at all is very much milder than formerly.

The discovery that many diseases are caused by germs was made by Louis Pasteur, a Frenchman, about 1876, and poisons which counteract the diseases, called antitoxins, are being successfully used in the treatment of those diseases. Diphtheria has been most successfully treated in this way. Other of the germ diseases are being prevented by strictly enforcing sanitary measures. This is notably true of yellow fever, the spread of which has been prevented by the creation of conditions unfavorable to the existence of mosquitoes. Typhus fever has been extinguished by careful sanitation of crowded places. Malaria is being controlled in the same way.

One of the worst contagious diseases is tuberculosis, known as the "white plague." By the exercise of precaution on the part of those afflicted, the spread of the disease to others can be prevented in large measure, and those afflicted with the disease under proper living conditions in the open air can have its ravages arrested. Typhoid fever, one of the most deadly of the diseases, can be prevented by proper isolation and by the purification of the infected areas.

The state board of health has prescribed rigid quarantine regulations for the following diseases:—smallpox, chickenpox, diphtheria, scarlet fever, infantile paralysis, cerebrospinal meningitis, whooping cough, and under certain conditions other diseases may be quarantined. Physicians are required to report cases of contagion so that quarantine can be established. The purpose of quarantine regulations is to keep persons not afflicted from contact with those suffering from the germ disease. If contact is prevented the spread of the disease may be

stopped. So you see the importance of observing such regulations and creating conditions which are unfavorable to the existence of disease germs. It is preventive measures with which boards of health are most concerned.

Sanitation. Sanitation means the making of surroundings in which we live favorable to health and unfavorable to the breeding of disease. Disease germs exist and increase naturally under conditions favorable to them and to the carriers of the germs, such as mosquitoes and flies. The campaign which is made every summer to kill the flies about our homes is a health campaign, because it has been found that the flies carry the germs of typhoid and other dangerous contagious diseases. It is for our own comfort and good health we are working when we undertake to exterminate the fly.

Conditions may be made unfavorable to the germ-carrying mosquito, and that too exterminated. The cleaning of back yards, disposal of garbage and of sewage, the purification of water, the inspection of food, the ventilation of our homes and school rooms, all are sanitary measures which may help greatly to improve the public health.

Garbage Disposal. Garbage means the food waste of meat and vegetables from the kitchen, and all sorts of vegetable matters from houses and stores. The practice in former times was to throw such waste into heaps on vacant lots or in back yards, and sometimes it was disposed of as food for hogs. Hogs fed decaying garbage were found more likely to convey disease than those fed with proper food.

So the interest which has been taken in public health in recent years has made the disposal of garbage an im-

portant problem. It never should be allowed to accumulate even in the most sparsely settled sections, because it is favorable to the breeding of disease-carrying flies and is dangerous to health under many conditions. Where the population is more dense, as in cities or even villages, various means of disposal have been devised.

Dump grounds are maintained near smaller centers, and while this is an improvement over the disposal in back yards and vacant lots, it is dangerous to the health of those living in the vicinity of the grounds and is most unsightly. In some places it is carried to adjoining farm lands to be used as fertilizer. This is not wholly beneficial to the land. In many places crematories are maintained for the purpose of burning garbage. There has been a tendency in recent years to dispose of it in such way that the burning furnishes power for electric dynamos. In other places the garbage is reduced by plants which are specially designed to separate the fertilizer from the grease in the garbage, the grease being used for soap, axle grease, and so on. This plan, however, cannot be used unless the city is of considerable size. For country districts and small communities it is best to bury the garbage or burn it.

Drainage and Sewage. A common source of disease is standing water. Drainage, especially in a densely settled community, therefore, is very important. A home should be so situated that water drains away from the buildings; otherwise there is danger that cellars will be damp and unhealthful. It is important also that the surface drainage should be away from wells; otherwise sewage and foul waters may contaminate the water supply. Stagnant water is a breeding place for mosquitoes and the

source of foul odors. If the community is small and does not have a sewer system, ditches should be constructed to afford drainage.

In communities having sewer systems, care must be taken so that the sewers can be flushed and kept open. The outlet for such a system should be so located as not to contaminate the water supply of the community, nor of other communities.

Pure Water Supply. In country districts there should be no difficulty in securing a supply of pure water, if care is taken to prevent drainage into wells. For this reason it is well to have country homes located on elevations. In villages the problem is more difficult. A village is in danger of having its water supply contaminated after a number of years. The ground may become saturated with sewage and refuse and in many cases epidemics of typhoid fever and other diseases of similar character have been traceable to such a cause. It is important, therefore, that in early years the supply be safeguarded by proper drainage and if this is not done measures should be taken to purify the water by some modern process.

In cities the problem has long been a serious one. For centuries the city of Paris had a municipal water system which supplied only one quart of water a day to each of its inhabitants. The modern system of water supply consists of cast-iron water mains laid in the streets and connected with each residence or business house so that an abundant supply is available at all times. The water is usually pumped from streams, or wells, or springs, into elevated reservoirs or standpipes, so that pressure is furnished by gravity.

The danger in such a water supply is from foul matter carried in solution, and from bacteria. Many epidemics of typhoid fever have been traceable to impure water. In most cities now the public health is safeguarded by providing for the settling of the water in reservoirs, a process which is aided by the use of chemicals. Chemicals also are used to destroy bacteria. Filtration is another efficient modern process. In many well-governed communities now the supply of water is pure and healthful.

Special precaution should be taken where water is pumped from a river into which sewage from cities above is carried. If such a source of sewage is situated far enough above the supply, the running of the water and the sunlight sufficiently purify the water. This is not true if the source is too near. With the modern means of purification, it is gross negligence on the part of the people and their city officials to have an epidemic due to impurities in the water.

Food Inspection. It has been found to help greatly to safeguard the public health if the food sold to the public is properly inspected. The United States government now maintains a meat inspection system, which prevents the sale of diseased meats in commerce between the states, and there is a federal pure food and drug law which prevents the sale or carriage in interstate commerce of adulterated or impure food.

The state government also prohibits the manufacture and sale of adulterated articles of food or drugs. To enforce the law a pure food commissioner is authorized to inspect stores and factories and to seize foods which



St. Alexius Hospital at Bismarck

violate the law or the regulations of the department. This officer is given authority to inspect places where food is manufactured or sold, hotels, restaurants, and other places where food is dispensed, to see if the places are kept in sanitary condition.

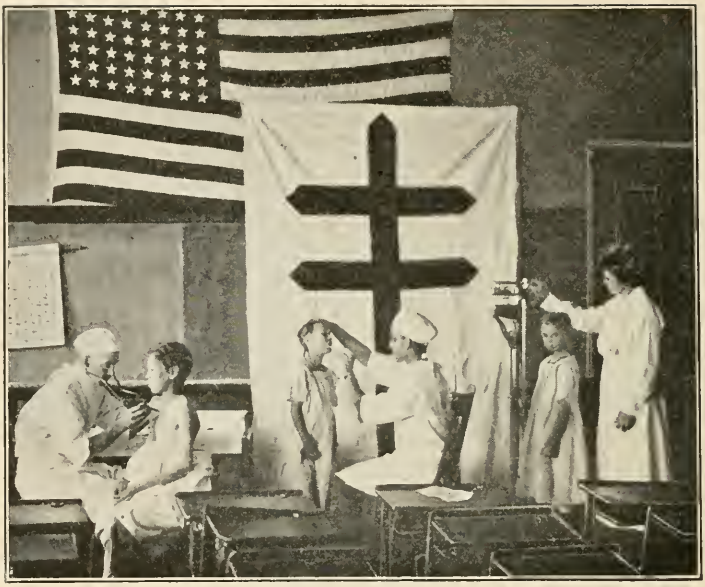
Villages and cities are given the power to inspect the milk supply. Herds of cattle are tested for tuberculosis. Chemical analysis of milk may be made. A public health laboratory is maintained in connection with the state university to examine samples of food, water, and milk sent to the laboratory to see if they comply with regulations of the several boards of health.

Hospitals. Many cities now maintain hospitals to prevent the spread of contagious diseases. If diseases of this kind are found and there is difficulty in maintaining a proper quarantine, the person or persons afflicted can be removed to these hospitals for cure and to prevent

contact with other persons. Sometimes wards or rooms are set apart in private hospitals for the treatment of cases of this kind. The State Tuberculosis Sanitarium at Dunseith is a state institution established and maintained to cure tuberculosis patients, and to prevent the spread of that plague. The United States public health service maintains a hospital at La Moure for the exclusive treatment of trachoma patients. This is one of a large number of hospitals maintained by the public health service, a number of them being marine hospitals, and in addition over three thousand health relief stations are provided.

Instruction and Examination. The common school course of this state requires the teaching of physiology and hygiene, and the detection, care, and treatment of contagious and infectious diseases. With appreciation of the danger from these diseases other agencies have been instituted to show the public need of attention to them. Regulations and laws relating to health are now impressed upon the public. Public clinics to demonstrate how diseases can be detected and what should be done to prevent their spread are being held. Dental clinics and medical clinics are being established in the best regulated village and city schools so as to remedy defects in their earlier stages.

The law now authorizes the employment of county nurses to inspect sanitary conditions and to examine school children physically and give out information on questions of public health. A school district may employ a school nurse and this is being done in many of the larger districts of our state. The American Red Cross Society maintains nurses for the benefit of the public, and the



School Clinic

State Tuberculosis Association is engaged in giving out instruction on the menace of that disease and as to how it may be prevented, as well as to encourage those afflicted to resort to proper treatment.

Vital Statistics. The state requires that there shall be a complete record of all the births and deaths for legal, sanitary, and statistical purposes. This includes a record as to the cause of each death. If these records are properly kept it will be possible to report the death rate accurately, and to see what number per thousand die each year from each disease, and to measure the gains in health protection. There has been a great deal of carelessness about keeping these records. The public should

demand that they be kept because of their future usefulness.

SUPPLEMENTARY NOTES AND STUDIES

1. Has your community ever had cases of typhoid fever? If so, what was the cause?
2. Read an article on germ diseases and discuss the way in which germs can be carried.
3. What is the source of the water supply in your nearest village or city? In what way could it be improved?
4. Is the water supply that you use at home, either on a farm or in a village or city, pure, or is it contaminated in some way? If you do not know, how can you find out? How can it be improved?
5. Is the milk which you use inspected? Have the cows furnishing the milk been tested for tuberculosis? If you do not know whether the milk is pure, how can you find out?
6. What is done with garbage and refuse in your community? What improvement should be made in the system, if any?
7. What is the character of the drainage with reference to your home? Is it what it should be? If not, how can it be improved?
8. A physician should be asked to talk to the school on the prevention of disease. Listen to what he says and try to follow his instructions.
9. Are the regulations of the state and local boards observed in your community? If not, why?
10. In what way does quarantine help to stamp out disease? Should the breaking of quarantine be a crime? Is it under the law of this state?
11. What is the purpose of registering births? How is this done?

CHAPTER XXVI

OTHER PROTECTION OF THE PUBLIC

Danger to Property and Life by Fire. Fire is a constant menace to life and property. For centuries each dweller was compelled to protect himself. The crowded population in cities has made it necessary to have the government undertake fire protection. Fire fighting was established by the Romans. There were fire regulations through early English history. In the earlier stages most of the fighting was done by volunteers.

There is tremendous loss by fire in the United States every day. It is estimated that the cost to our people of fires is $300,000,000 a year and very many lives are lost in these fires. Unusually great fires in our history are those of Chicago in 1871, Boston in 1872, Baltimore in 1904, and San Francisco in 1906. The fires and the great losses in life and property are due largely to carelessness.

Fire Protection. Fires may be guarded against in many ways. Fireproof construction is now used in business houses and public buildings. Fire limits are fixed by city councils in cities, within which no wooden buildings are permitted. Fire marshals are appointed to investigate the causes of fires, discourage carelessness, and require proper construction of buildings and equipment with safeguards against fire. And the setting of fires is prohibited.

In cities and villages fire departments are maintained, usually in charge of volunteers in the smaller places. Where a water supply is not available chemical engines are used. Where water works systems have been constructed there are fire engines with long lines of hose. The success of these depends upon the character of the apparatus and the training of the men in the department, as well as on the amount of water and the pressure with which it is furnished.

In the larger places regularly trained fire departments are constantly ready to respond to the fire alarm. Fire fighting has become a science, and in many places schools are maintained for the training of the fire fighters. There has been development of devices with which to fight flames, and now auto trucks and engines are largely used. There is a system of signals to notify firemen, whether they be volunteer or paid, so that they can respond quickly to extinguish flames. It is the duty of citizens who detect fire to notify the department.

In this state we hear a great deal about losses by fire in the villages and cities, but great damage is done also by prairie fires. It is made a crime to set a prairie fire unless a strip of land well plowed or burned over at least fifty feet wide completely surrounds the place where the fire is set. The true policy is "safety first," and we all should learn not to endanger the property and lives of our neighbors by carelessly setting fire, when we know how easily it may get beyond our control.

School buildings of more than one story should be equipped with fire escapes, and the pupils should be trained to avoid crowding. The aisles in any public

building must not be blocked, and the doors are required to open outward. Each school should have fire drills so that the rooms may be vacated in an orderly, quick, and safe manner when the fire signal is given. The European system of fire protection is better than ours for there are fewer wooden buildings. Greater care is exercised, and it is said that less than one tenth as much property proportionately is destroyed by fire in some European countries as in our country.

Police Protection. The police system is an important public safeguard. The police officer of a township is the constable; of a village, the marshal; of a county, the sheriff; and of a city, the policeman. It is the business of these officers to preserve order and to find criminals and arrest them. Their presence prevents crime and should assure prompt detection of it when it is committed. If a crime is committed and the offender is unknown, detectives may undertake to locate him. A detective is a special police officer who knows how to trace a criminal from the facts he is able to learn about the crime.

In the office of the sheriff of your county, or of the chief of police in your city, you will find pictures of criminals who are wanted for crimes they have committed. These are sent out to help police officers detect them so they may be arrested and returned for punishment. In cities policemen have "beats" over which they walk at intervals to watch the property and to see that order is kept. They also help to protect life on the streets by stopping runaways and preventing accidents, and frequently they help to locate or replace lost property. In many of the cities now policewomen are employed to look after

women violators of the law and especially to prevent the downfall of girls.

Traffic Regulations. For the safety of the public traffic regulation is necessary. There is more danger from travel than formerly because so much of it is now done by automobiles, and the automobiles run so fast and are so heavy that accidents happen much more frequently than they did when horses and carriages were the only means of transportation. The "law of the road," both in town and country, is that drivers should keep to the right, and it is a crime to violate this law. Racing on highways is prohibited, and teams of horses when not traveling must be hitched.

The automobile has brought many new traffic regulations. It is unlawful to drive more than twenty-five miles an hour on the country roads, and the cities and villages can make, and in most cases have made, special regulations, but if no such regulations are made ten miles an hour is the maximum speed within their limits. Regulations are made also as to the turning of corners, the right of way at street intersections, signals by drivers, head lights and tail lights, and other matters, all of which are intended to make it safe for people riding or traveling in automobiles and other vehicles, and for those walking.

In the larger cities where there are great crowds, the traffic regulations are enforced by policemen, who give signals for the running of cars at intersections and see that those driving and walking are protected. Even under the best police system there are many automobile accidents, and in nearly all cases it will be found that this is due to carelessness.

Street Lighting. One of the best safeguards against accidents in villages and cities is to have the streets well lighted. It is safer, too, for those who are walking, and it has been found that it is one of the cheapest ways of keeping order and preventing the commission of crime. In many cases bad communities in cities have been cleared of criminals when they have been well lighted. It is more difficult for criminals, where there is plenty of light, to make their escape. A number of years ago one of the worst criminal quarters in the entire city of New York was in Mulberry Bend, and this was made a comparatively respectable place by installing a good lighting system. The turning on of lights in business buildings is a great help in preventing burglary and other crimes at night.

Life Saving Service. We have already seen that the United states treasury department maintains life saving stations along the sea coasts and Great Lakes. There are about three hundred of these stations. They save many lives in time of storm. Lighthouses also are a great protection to vessels, and annually save millions of dollars' worth of property. The weather bureau service also has been an important factor in keeping vessels from sailing when storms are foretold, and wireless telegraphy has become an important means of calling for help when those at sea are in danger. By the radio compass, stations along the coast can observe the exact direction of signals from a ship. From such observations the exact position of the ship can be computed and communicated to the captain. This method is especially valuable during fogs.



Mining Coal in North Dakota

Inspection of Mines and Factories. Another means used by the government to protect some of its citizens is the inspection of mines and factories. As there is very little manufacturing in the agricultural states factory inspection is not of great importance there, but in the industrial centers it is necessary to regulate the conditions under which employees in factories work. To make sure that proper safety devices are supplied, inspectors are sent to examine the different factories in which workers are engaged.

The principal inspection law of this kind in North Dakota is the mine inspection law relating particularly to coal mines. This defines the equipment which must be installed and the manner in which the mine must be operated, so that the conditions under which work is done are

healthful and safe. There must be proper machinery, ventilation, drainage, and methods of lighting. Only eight hours of work a day is permitted. Proper means for escape from the mine must be prepared, and to make certain that the conditions of the law are fully met, a mine inspector makes occasional examinations of each mine and submits reports upon it.

Labor Regulations. Children are protected against child labor as we have seen. Those under sixteen years of age are not permitted to work more than forty-eight hours a week, nor more than eight hours in any one day. And the same regulation is made as to women workers. Children under sixteen are not permitted to work at all during the school year without permission from the superintendent of schools.

Children under fourteen years of age are not permitted to work in any mine, factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. The purpose of these various regulations is to provide proper education for children and to protect their morals and health. Where the hours of work for women are regulated, it is intended to protect them as mothers of the younger generation. In most states of the union there are factory and mine inspection laws and other regulations prohibiting the employment of women and children except under favorable conditions.

Minimum Wage. A minimum wage bureau has been organized in this state for the purpose of fixing the least wages women and children shall be permitted to receive

in various kinds of employment. This is done to assure them sufficient earnings to secure food and clothing and proper shelter so that their health and morals may be protected. It is unlawful to employ women and minors in the state under any conditions or surroundings which are not sanitary or which may prove injurious to their health or morals. The minimum wage bureau is authorized to investigate, determine, and declare standards of conditions in which labor may be performed by women and minors.

Workmen's Compensation. Many workers are injured or killed in the course of their employment and often they have no provision ahead for the support of those depending on them. A workmen's compensation bureau is organized to provide compensation to the laborers in such cases. All employers of labor, except of domestic and farm laborers, are required to pay assessments according to the kind of labor performed, to make up a great fund from which compensation is paid to those injured in their employment, during the time they are unable to work, and to families of those killed in their employment. This protects against want and saves damage suits against employers. At the same time it is a protection to society against demands of dependents.

Immigration. The immigration laws of the United States are very rigid. Immigrants are examined upon arrival and if they are diseased they are turned back to protect the lives of our own people. If they are criminals or anarchists they are rejected because they add to the burden of taxation and increase crime and so are a menace to life and property. This is to protect the

public generally, including the immigrants who already are here. Those who have contracted to labor except in new industries, also are rejected because their coming would increase the number of workers and possibly lower the wages of those already here, and thus would create poverty which might otherwise be avoided.

SUPPLEMENTARY NOTES AND STUDIES

1. What protection has the school you are attending against destruction by fire?
2. Are the pupils trained to make quick and orderly escape?
3. If fires are due to carelessness, what is the first step to decrease them?
4. Did you have many fires in your community last year? What were their causes? How many do you think should have been avoided?
5. What would you do if you should have a fire in school? In your home? If you saw a fire break out in a neighbor's building?
6. Why should a fire not be set on the prairie? Can it ever be done with perfect safety? If so, how? If not, why?
7. If you live in a town how could you improve the fire protection? If in the country, how could you improve the protection of your home?
8. How can your community be better protected against crime than it is?
9. Why is so much less policing required in the country than in the city?
10. Does the requirement of order by the government mean that men are deprived of liberty? Why?
11. Why should hours of labor be regulated? Should the working hours of women and children be fewer than those of men? If so, why?
12. What is the cause of most of the automobile accidents you have known? How could they be prevented?
13. What are the arguments in favor of workmen's compensation insurance? A minimum wage?
14. How would you improve the street lighting system in your village or city?

CHAPTER XXVII

CARE OF DEPENDENTS, DELINQUENTS, AND OTHER UNFORTUNATES

Classes Provided For. There are three classes of persons requiring special help and protection from the state and local governments, namely, the dependent, the defective, and the delinquent.

The dependents are those who are unable to support themselves. These are orphans and children abandoned by their parents so that they do not have proper care, and a great many people so poor that they need help, either by being partly supported or by being placed in a suitable institution.

The defectives, or physically deficient, may or may not be dependent. The feeble-minded are a special care. Those who are blind find it more difficult to secure an education than others because they require special equipment, and specially trained teachers. The deaf likewise must have teachers with training differing from that of teachers ordinarily employed in other schools. In some states cripples are given assistance, and there is agitation in most of the states for the help of these unfortunates. Special provision is made also for insane persons, as these require treatment in order to restore their health. Insanity is only a disease of the mind and in many cases can

be cured if proper surroundings are furnished and suitable treatment is given.

The delinquents are those who violate the law and have a tendency to fall into the criminal class, or who are inclined to disturb the good order of society and to engage in questionable practices.

Federal Agencies. The federal government does very little for the dependents or any of the defectives, except in the District of Columbia; but suitable care is taken of the Indians and any others who may be the wards of the government. There is provision for federal prisoners at the penitentiaries at Leavenworth, McNeils Island, and Atlanta, and certain naval prisons; but the care of most delinquents, as well as of dependents and defectives, falls upon local and state governments.

Care of Dependent and Neglected Children. There is increased interest in children of this type. No state home is provided in our state, but there are agencies which receive encouragement from the state in the way of small appropriations. The Children's Home at Fargo, and the Florence Crittenton Home at Fargo, are private charitable institutions, the latter of which has received some state support. The Society for the Friendless also has received small appropriations because it helps to place the needy and homeless. Most of the cases of this kind, however, are cared for by the district courts through their juvenile and humane officers.

There is improvement in placing such children in private homes under the supervision of officers of the county. The home is the most important institution that we have and to develop normally children should have the oppor-

tunity to live in a good home. Experts who look after the welfare of children urge that the dependent and neglected should be placed in suitable homes under the supervision of proper officers.

The Poor. The care of the poor is more of a city than a country problem. The percentage of poor in this state is comparatively small. The overseers of the poor in each organized township, and in cases where the townships are not organized, the county commissioners, have the duty of investigating the needs of those claiming relief. Poor farms may be organized upon vote of the people of a county. In this state poor farms thus far are almost wholly unknown. There is provision now for pensioning mothers with children under fourteen years of age. This enables the mother to keep her children with her instead of sending them to other homes or to an institution.

In other states there are many private institutions for the poor. Some hospitals maintain charity wards, and the American Red Cross, since the World War, has been active in furnishing relief to the poor in sections stricken especially with disease, drought, or other public calamity. In Europe the care of the poor is a very important governmental function. In our country the furnishing of this relief is more recent. Most of the help formerly was given by personal or private charities.

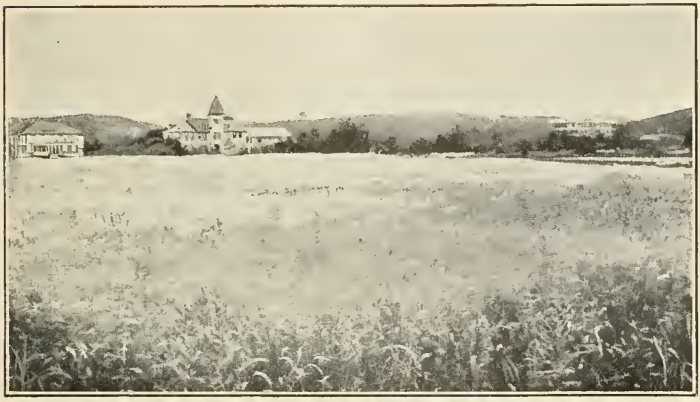
The Delinquent. Where boys and girls have committed some offense or have created a disturbance in the community, indicating that they need to be corrected or punished, they may be taken before the judge of the district court, or a juvenile commissioner, for examination, and if it is found that their parents are not suitable

persons to train them, they may be taken away and placed in a suitable home, or in some institution where they will be properly trained.

The purpose of proceedings of this kind is not to punish, but to stop the development of criminals, and is intended to decrease the number of delinquent persons of more mature years. We have seen already how in a criminal proceeding sentence may be suspended if it is thought for the best interests of the defendant. This may be done with juvenile offenders as well as others.

The state penitentiary is maintained at Bismarck for the confinement of adults who are thought dangerous to the public, but in a large percentage of cases this confinement is intended to reform the person confined rather than to punish. Of course, some of the inmates are hardened criminals and in such cases the only way to protect society is to keep them from contact with it. At the penitentiary manufacturing and farming operations are carried on, a complete hospital is maintained, and a library is furnished for the prisoners. There also is a system of parole under which a prisoner may be released if some one will give him employment and vouch for him and make regular reports as to his conduct. If the prisoner's behavior is good his parole will last until his term of imprisonment expires; otherwise he may be confined again.

A state training school for delinquent boys and girls is maintained at Mandan. Here industry is taught and instruction is given in the branches taught in the public schools. Pupils are released when they become of age and provision is also made for parole under conditions similar to those existing for inmates in the penitentiary.



State Training School at Mandan

Other Unfortunates. The institution for the feeble-minded at Grafton gives training suited to this class, and many who are considered mentally defective, by training in industry, are enabled to support themselves. The hospital for the insane is a large institution at Jamestown, in which special treatment is given to those afflicted with mental disease. A large percentage of those confined in the hospital are cured and return to their communities to live a normal life.

Agencies for Improvement. The special purpose of all institutions and agencies which are organized to care for the unfortunate classes of society, is to make them self-supporting and to prevent their becoming a burden upon the public. The best way to meet the problem of caring for such classes is to prevent their increase, so efforts are made to prevent the increase of poverty and to place children inclined to be delinquent under conditions so that they will be law-abiding, happy, and prosperous citizens.

The work of studying these conditions has been assigned to child-welfare commissions in various states. In this state the responsibility is placed upon a children's code commission, whose object is to make a study of the conditions under which the children of the state are living and to make recommendations for their welfare. Every one ought to be interested in decreasing the number of unfortunates and criminal classes in the state.

SUPPLEMENTARY NOTES AND STUDIES

1. Very little poverty exists in North Dakota in normal times. Where it does exist what is its cause?
2. Why should government aid the poor?
3. How are the poor cared for in your township, village, or city?
4. What organizations in your community help the poor and other classes needing help?
5. Do you think the mothers' pension law a good law? If so, does it provide enough help?
6. What is the danger of helping the poor? What boy or girl organizations are maintained in your community? Do these help prevent delinquency?
7. What advantages for education have the boys and girls in your community aside from the schools?

CHAPTER XXVIII

OTHER ACTIVITIES FOR GENERAL WELFARE

Community Centers. The best way to have people coöperate in promoting their welfare is to bring them together to consider all things affecting their community. For this reason there has been a tendency to establish places where community affairs can be discussed and where the people can become acquainted with each other and their mutual needs. These places are called community centers, and since the schoolhouse is a public building it is coming to be used more and more for such purposes. Political meetings, religious services, social gatherings, literary societies, farmers' institutes, parent-teacher associations, and any other meetings which have for their purpose the instruction or entertainment of the people may be held in schoolhouses. In many places community centers are buildings specially designed for that purpose.

Playgrounds. In cities especially it has been found necessary to give the children more outdoor recreation than they have had. The school grounds now are fitted for playgrounds. Swings are erected, baseball diamonds laid out, tennis courts made, and other athletic equipment is supplied, so that the children of a city or neighborhood may have plenty of fresh air and outdoor play to increase

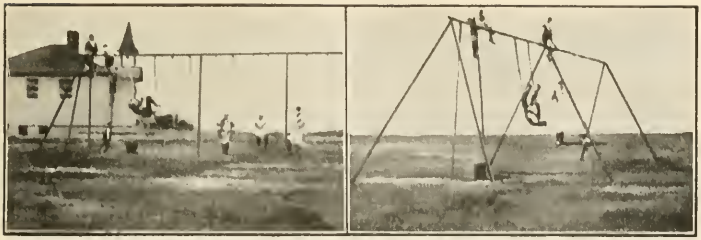


A County Play-Day

their vigor. It is important that games be learned for play is necessary to proper child development. The playground movement has extended into the country, and school grounds are being better equipped for play. It has added greatly to interest in school life. The county play-day also has done much in this direction.

Parks. In the larger towns parks are laid out with trees and shrubs and flowers. Smaller communities have the legal right to do the same thing and should take greater interest in adding beauty to their surroundings. In this state, which is so nearly treeless, every village and city should have a park with groups of shade trees and clumps of shrubs. In many places in the state swimming pools have been built to furnish a substitute for natural waters. Others have natural watering places, which can be developed and made attractive, and when properly regulated will afford opportunity for wholesome recreation. Parks require a great deal of care but they teach and develop pride in the community and a desire to beautify and make homes attractive. Much can be said in their favor on the ground of improvement to health.

The national government has done much to encourage interest in parks by preserving natural wonders such as



Modern Playground Equipment

the Yellowstone National Park, the Glacier National Park, the Yosemite Park, and many others within which will be found scenic attractions. Sully's Hill National Park, about a mile east of Fort Totten Indian school, is the only national park in North Dakota. It comprises



An Artificial Swimming Pool

eight hundred acres and has a wild animal preserve maintained by the biological survey of the agricultural department.

The state has the following state parks: Walhalla, near the fur trading post established by Kittson in 1844; Abercrombie, which includes a part of the military reserve upon which Fort Abercrombie was built in 1858; Fort Rice, along the Missouri river, on the site of old Fort Rice, built in 1864 by General Sully; Fort Lincoln, on a portion of the Fort Abraham Lincoln military reserve, south of Mandan; Pembina, at the junction of the Red and Pembina rivers, the site of the first trading post in the state built in 1797; Cavalier county park, which is near Olga, on the site of a battle between the buffalo hunters and certain of the Indian tribes in 1848. Certain other park sites also have been donated to the state.

Beauty in Country Towns. A criticism often made of the states in the great plains is that there are so few trees and that there is so little apparent interest in planting trees. This is true especially of the sections of these states which have the least rainfall. There are many towns in North Dakota with no trees at all, and many school grounds and country roads and country homes are without them, or any plants calculated to add beauty to the landscape. There should be more interest in making towns, country roads, schools, and homes, subjects of pride.

Trees and Plants. Many trees and shrubs are adapted to the northwestern country. The elm, ash, poplar, cottonwood, box-elder, willow, certain maples, the Russian



In Sully's Hill National Park

olive, the Siberian pea, the highbush cranberry, prairie rose, and cherry, kinnikinnick, wild plum, and many other kinds of trees and shrubs will grow successfully. One may secure from any reliable nurseryman, the Great Plains Experiment Station maintained by the United States government at Mandan, or the agricultural college, information as to the kinds best adapted to the prevailing soil or other conditions, and as to the care which should be given.

It is best to select those which are native to the northwest. They are more readily started and need less attention than those which generally grow under other conditions. They must be planted with care, and during the period when growth is starting should have plenty of water. After the first year or two they require less attention.

Annually the governor proclaims Arbor Day. This should be observed more appropriately than it is. Not only should it be made a day for cleaning our streets and

home grounds, but on that day planting should be done. Flower beds will do much to brighten our surroundings and with very little study and effort, and very slight expense, these can be successfully made and kept.



A Natural Park

How to Plant Trees. Soil conditions have much to do with success in planting trees or shrubs, and a little extra time and expense may result in good returns. The quality of the stock planted also is important. In every instance the hole dug for a tree should be much larger than the spread of the roots of the tree. Never cramp the roots but let them take a natural position. Dig the hole deep and have the soil at the bottom loose. Place only good soil under the roots or in the bottom of the hole.

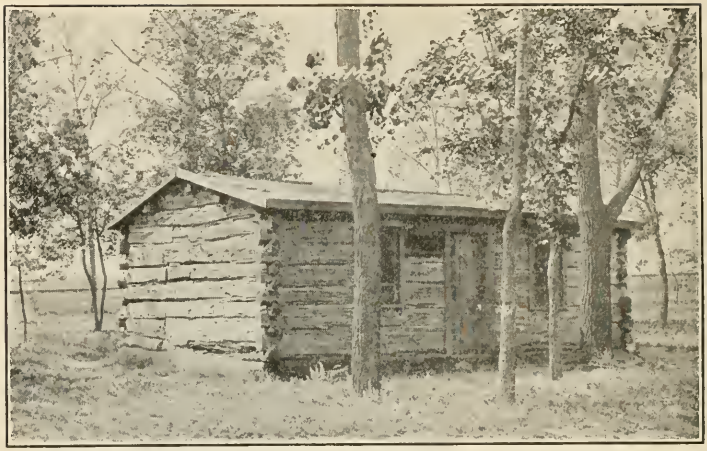
Never permit the roots to dry. When ready to plant cut all broken or bruised roots off with a sharp knife and shorten all other roots just enough so the ends are cut. The first new roots of a tree or plant appear where a clean cut is made.

Cut the branches back at least one third, but the trunk or terminal branch not so much. Shrubs of all kinds should be pruned in the same way, but evergreens do not require pruning if properly grown and taken up with a ball of earth. When ready to set the tree in the hole, straighten the roots out and after four to six inches of good soil, well pulverized, is put in, move the tree up and down so that the finer soil will sift among the fibers of the roots. Apply soil until all the roots are covered. Then tramp down the earth with the ball of the foot just as you would do in setting a post. This is repeated until the hole is filled within two or three inches of the top.

The soil should then be well soaked with water, all that it will absorb. The following day fill the hole with dry soil, but leave this loose so that it acts as a mulch to retain the moisture for a long period. Later watering depends on the rainfall. If there is little or no rain, the soil should be soaked further on the following day, and thereafter until growth is made there should be occasional watering. Keep the top soil loose.

Plant shrubs and other plants in the same way. Do not permit sod and grass to grow near the plants, and care must be taken that the trees are not injured by a lawn mower or otherwise. If the roots and branches are not cut as indicated, the plant is likely to weaken and die.

Public Libraries and Museums. Cities and villages now can establish libraries and support them by taxation. If a separate building for a library is erected it should be attractive and adapted to its use. In many places special buildings cannot be had, but it is always possible to have the community library, and each school can



Roosevelt's Cabin—State Capitol Grounds, Bismarck

and should have plenty of reference books and reading matter for its pupils. If a country district cannot maintain a library of its own, application may be made to the state library commission at Bismarck, which makes a specialty of sending out traveling libraries. County libraries also are being established. The greatest library in our country is the congressional library at Washington, which has been mentioned in Chapter XIX. This library has about two million volumes. The government also maintains museums and art galleries in some of the states. Nothing of this kind is sustained in our state, except the museum of the State Historical Society at Bismarck, which has a valuable collection of historical documents, relics, and heirlooms. The cabin which was occupied by Theodore Roosevelt when he was a resident of the state is preserved on the state Capitol grounds. The Smithsonian Institution at Washington

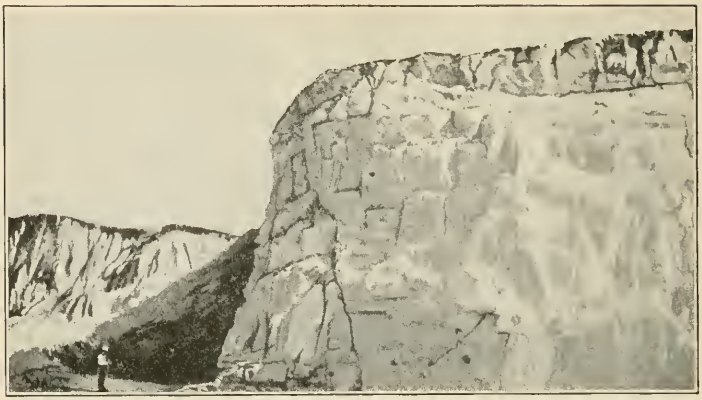


A School Exhibit at a County Fair

has the most famous museum in the country; it contains valuable scientific collections.

Farmers' Institutes. The state provides for farmers' institutes to be held each year under the direction of the deputy commissioner of agriculture and labor. The purpose of these institutes is to instruct the farmers in maintaining the fertility of the soil, the production and improvement of cereal and forage crops grown in the state, principles of breeding as applied to domestic animals, the making and handling of dairy products, the destruction of noxious weeds and injurious insects, forestry, and the growing of various fruits, feeding and management of live stock, and especially such instruction as will tend to promote the best marketing conditions, home life, and comfort of the farming population.

Agricultural Fairs. Provision is made for aid by taxation to maintain county and state fairs, and townships also are permitted to have such exhibitions. The pur-



Banks of Pottery Clay in Western North Dakota

pose of such fairs is to exhibit agricultural, horticultural, mechanical, and manufactured products, live stock, educational exhibits, and such articles as are usually exhibited at fairs to create interest in the improvement of the various kinds of farm products. Excellence in exhibits is encouraged by the giving of prizes.

Markets. Many cities now maintain market places where people can go to buy produce. Not much of this is done in agricultural states, but in the larger cities it is an important enterprise and the cities and villages of our state have the power to establish such places.

Employment Bureaus. Cities may establish employment bureaus and many of the larger cities have done so. The state of North Dakota, by legislative act in 1921, established such employment service under the supervision of the commissioner of agriculture and labor. The purpose is to keep a supply of labor at the places where needed, and to secure employment for those seeking it.



Some North Dakota Pottery

The United States government also has maintained employment service since the World War. In this state this is combined with the state service.

Experiments to Develop Resources. In the school of mines and a substation at Hebron experiments are being made to arrive at a successful and inexpensive method for briquetting lignite coal, which is one of the state's principal resources. It is claimed that if the coal can be briquetted it will prove a more economical fuel than when used in its natural state.

The various clays found in the state are among its most valuable mineral resources. These have been found adapted to the manufacture of brick, terra cotta, paving brick, fire brick, drain tile, stoneware, sewer pipe, and the highest grades of art pottery. The school of mines has done much technical work in demonstrating the value of these clays. Clay products of a high grade have been manufactured at this institution on a small scale.

SUPPLEMENTARY NOTES AND STUDIES

1. What can be the advantages of municipal markets?
2. Have you trees, plants, and shrubs on your school grounds? If not, why? If so, name them.
3. Write a brief story on how you would plant a tree so it would grow.
4. Name four trees which can be grown on your grounds and streets. Four shrubs. Also the characteristics of each.
5. If you did not know how to get good trees to plant how would you go about it to find out?
6. What would you have on a playground? Why?
7. Should park boards and school boards be combined? Why?
8. Make a program of the things you should do on your school grounds next Arbor Day. When the day comes carry out this program.
9. Have you a place near your home which would make a good natural park?
10. Write a three hundred word essay on how your community might be made more attractive.
11. If any of the pupils have visited one of the great national parks, have an oral description for the benefit of the school.
12. How can each citizen help to improve the appearance of his community?
13. What requirements would you make about the holding of meetings in your schoolhouse outside of school hours?
14. Have any of you ever visited a museum? If so, describe what you saw.
15. What is the county library plan?
16. What is meant by a county play-day? How many from your school qualified for games at the last play-day, and how many won prizes?
17. What did your school exhibit at the last county fair held in your county? What prizes did it win?

CHAPTER XXIX

TAXATION

History of Taxation. During the early days of England people were not required to pay a great deal for the support of the government because there were great estates owned by the kings which bore much of the burden. Finally subjects were taxed a portion of their produce. The taxes imposed were the source of much trouble as far back as Magna Charta, and before the Petition of Right. In the colonies taxes were paid in goods for a time. Corn and tobacco were used in Virginia, tobacco and furs in New York, and corn in New England. Later, property taxes were levied. These were the principal income of the several state governments until the latter part of the nineteenth century.

Need of Taxes. We have seen many of the things done by the government. Numerous offices are maintained, salaries paid, buildings erected, roads built and repaired, education provided, crimes prosecuted, the poor cared for, the unfortunate helped, property protected, and laws enforced. The national government has its share in doing these things and in addition provides an army and navy for the national defense. The expense of our welfare is incurred, therefore, some by the nation, some by the state, some by the county, some by the village, city,

or township, and a portion by the school district in which we live. To defray the expense which each political subdivision has in doing the things which it is required to do for us, money is needed.

Who Levies Taxes. Since each political subdivision needs money, each is given the power to raise it. Levying taxes is one of the responsibilities of the legislative branch of the government. It is this branch which makes appropriations for the state government, and taxes are levied to meet the appropriations made. In the township, the people themselves fix the amount to be spent. In all other cases it is their representatives who determine what money shall be raised. So the people in our government are not taxed without representation.

In the local and state governments the principal tax is a property tax, and the actual levy upon the property owned by the people is made, for the state government, by the state board of equalization; for the county, by the county commissioners; for the township, by the township supervisors; for the village, by the board of trustees; for the city, by the council, or the board of city commissioners, if the commission form of government has been adopted; and for the school district, by the school board or board of education. When the levy is made notice is given to the county auditor of the amount to be raised by the political subdivision making the levy so that he can apportion the taxes among the several parcels of property, or the owners of that division. The county treasurer acts as agent of the several divisions to make collections.

What is Taxed. The tax upon property is required because it is thought that those owning property should

pay for the protection which is given to their property by the government. There are two kinds of property, real estate, which consists of land and the buildings on it, and personal property, consisting of horses, cattle, furniture, money, bonds, stocks, etc. All property is supposed to be taxed except such as is intended to be free or tax exempt. The principal exempt property is that owned by the national, state, and local governments, the property of schools and colleges, that used for religious purposes, and a certain amount of household furniture and personal effects.

How the Amount of Tax is Determined. The amount of tax which a person shall pay upon his property is determined by the process of assessment. An assessor goes to the property owner and fixes the value of what is owned, both real and personal property. The property of public utilities is assessed by the tax commissioner and state board of equalization. Townships, villages, and cities each have assessors, and where the territory is not organized county assessors make the assessment. Each assessor reports to the board of equalization of his political division the result of his assessment of the property located there, and his work is reviewed by this board. In townships this board consists of the supervisors, in cities the council or city commission, and in villages the board of trustees.

If the board of review believes that a mistake in judgment has been made in the case of the assessment of any owner's property, this mistake is corrected either by raising or lowering the value of the property so as to make its value the same in proportion as the value of the prop-

erty of other owners in the same political subdivision. If no mistakes are found no changes are made. The various boards of review in a county, when their work is completed, report the results of their work with all of the assessments in their several political subdivisions to the county board of equalization, consisting of the county commissioners. This board has power to change the assessments of tracts of real estate but not individual assessments of personal property. It must see that the property of the same class in the different cities, villages, and townships in the county is assessed on about the same basis, so that the owners of property in one part of the county will pay taxes on the same value as the owner of an equal amount of property of the same class in another part of the county. The several county boards of the state then send their assessments to the state board of equalization and this board reviews the values of different classes of property in the different counties and equalizes them so that property of a certain class in one county in the state will be valued about the same as all other property of the same class in other counties. The result of the work of this board is then reported back to the county auditors and they "spread" or distribute taxes on all the property in the county on the basis of the values fixed by the board.

The amount of tax on the property of a citizen in a certain township will be fixed in about this way. If all of the property in the township is valued at two hundred thousand dollars, and the taxes for township purposes are two thousand dollars, each owner must pay one cent on the dollar. If Mr. Jones has property valued at

twenty-five hundred dollars he will have to pay twenty-five dollars. If the taxes for school purposes in the township are twenty-four hundred dollars, the rate will be 1.2 cents on the dollar, and Mr. Jones will pay twenty dollars. If the county tax is two and one tenth mills on each dollar of value of property in the township, the county tax will be five and twenty-five one hundredths dollars, and if the state tax is three mills on each dollar it will amount to seven dollars and fifty cents, so the total tax on Mr. Jones's property will be sixty-seven dollars and seventy-five cents.

How Collected. All taxes are collected by the county treasurer. When the taxes are collected they are distributed by the county auditor so that the state, county, and all subdivisions in the county receive, each, the amount to which it is entitled.

The taxes are due on December 1 in the year in which they are levied. Some of them must be paid by March 1, and the balance by October 15, following. If they are not paid then they are delinquent and a certain amount is added as a penalty for the delay and the extra trouble to which the county is put in making the collection. If personal property taxes are not paid by October 15, the sheriff makes the collection, and if real estate taxes are not paid by December following, the taxes are sold at public sale.

Income Tax. A certain amount of money necessary to carry on the state government is now received from a direct tax on incomes. Every person is allowed a certain exemption and if one is the head of a family, or is responsible for the support of others, he is allowed an ad-

ditional exemption. The rate of tax is likely to vary from time to time. Blanks can be procured from any bank and the provisions of the law ascertained.

The federal government also collects an income tax. This now is its principal source of revenue. It also allows exemptions as does the state government, but the rate of taxation for that part of the income which is taxable is much higher. The tax a citizen or resident of the United States must pay also may be learned from blanks which may be had from any bank. Generally the rate of taxation increases as the amount of income increases.

This tax by the federal government was greatly increased during the World War because of the increased expenditures by the government. The income tax is thought the fairest system that can be devised because taxes ought to be paid according to the ability to pay, and the cost of collection is less than it is in case of a property tax. No direct property tax is levied by the federal government. The income tax has the advantage of being the same for all people of equal incomes. It is thought more difficult to conceal the amount of income than the amount of property owned.

Inheritance Tax. The state government has an inheritance tax system whereby a certain percentage of the amount inherited must be paid to the state, but liberal exemptions are allowed so that in average estates the tax is a very small item. The federal government also has adopted a system of inheritance taxes on estates worth more than fifty thousand dollars. The rate of the tax increases as the amount of inheritance increases.

Poll Tax. The poll tax is a head tax which is levied by the state for school and road purposes. Each elector must pay one dollar for school purposes, and each male citizen between the ages of twenty-one and fifty years must pay one dollar and fifty cents for road purposes.

License Taxes. We have seen that licenses are required to engage in certain occupations. An automobile license tax is the source of the large highway fund in this state. Attorneys must pay an occupation tax. Pool rooms, theaters, bowling alleys, and billiard halls also are required to pay certain license fees.

Tariff and Internal Revenue. Next to the income tax the United States government secures most revenue from duties on imports. These are paid on many articles. They are called an indirect tax because the duty adds to the cost of the article and is covered in the purchase price. Duties are of two kinds, *specific,* which is a duty by weight or number or measure of articles, and *ad valorem,* which is a duty fixed according to value. Goods are examined on their entry at a port.

There are ports of entry at the seaports and along all of the boundaries, where revenue officers are stationed. A revenue officer's place of business is called a custom-house. Here, when the goods are examined and the amount of duty is determined, payment is made. If goods are brought in by stealth so as to avoid paying duties, they are said to be "smuggled." Smuggling is a serious offense and frequently causes a great deal of trouble for persons attempting it.

The internal revenue taxes, sometimes called excise taxes, are paid on whiskey, beer, tobacco, oleomargarine,

and other articles. The internal revenue collectors make the collections.

The state cannot levy duties.

Other Taxes. Both the state and national governments require corporations to pay certain capital stock taxes, and other corporation taxes are levied. The federal government also taxes admissions to theaters and other entertainments, club dues, the sales of automobiles, musical instruments, firearms, motion picture films, and many other articles which are classed as luxuries. In addition to this there are certain taxes on pawnbrokers, proprietors of places of amusement, bowling alleys, billiard rooms, circuses, and stamp taxes on various business and legal papers imposed by the federal government.

Economy in Government. The taxes in recent years have become so numerous and so burdensome that the people have begun to call for a reduction and are asking that the expenses of government be lessened. Legislators and executive officers have engaged in efforts to limit appropriations and reduce the number of government employees. The national government has adopted a budget system similar to what has been used by some of the counties and states.

A budget commission has been appointed by the president and it is proposed to have the amount of government expenditure reduced. The purpose is to have the government managed as economically and efficiently as a great business institution. The cost of maintaining our several governments has been made greater than necessary because so many offices are held by politicians, who favor increasing the number of offices so they can reward those

who served them in securing their own positions. The practice of greater economy will mean less politics in our system of government.

SUPPLEMENTARY NOTES AND STUDIES

1. What do you mean by an indirect tax?
2. Why was the nation given the power to tax?
3. Why is taxation a modern problem?
4. Why is certain property exempt from taxes?
5. Do all citizens pay taxes? Give reasons for your answer.
6. If you own property and you find it is assessed less according to its value than that of your neighbor, what will you do about it?
7. Which one of the taxes discussed seems to you the most just? Why? Which the least so?
8. Point out the temptation to deceive the government in each of these taxes: property, income, and tariff.
9. What was the state tax rate last year? County rate? School rate? The rate of the township, city, or village in which you live?
10. What is an excise tax?
11. What is the purpose of a dog tax?
12. Is the automobile tax a just way of raising money to build roads? Give reasons for your answer.
13. For what things was most money spent by your county last year? Your city, township, or village?
14. For what purpose was most of the state tax spent?
15. What are the advantages of the budget system?
16. Point out how your county, city, or village could have just as good government by spending less money?
17. Is it possible to have the taxes too low? Give reasons for your answer.
18. Have taxes increased in your community within the last five years? If so, why?
19. If a person thinks his property valued too high, how can he make complaint and have it remedied?
20. How do expenditures for education in the United States compare with expenditures for gum? Tobacco? Automobiles?

CHAPTER XXX

REGULATION OF BUSINESS AND PUBLIC OWNERSHIP

Government Control of Business. We have seen how occupations are licensed and how the welfare of the people is promoted and protected, but the government controls certain kinds of business more directly than this. Many kinds are said to have a public interest so that all of the people are concerned in the way in which they are conducted. Some businesses of this character are regulated while other kinds are taken under complete control and sometimes are owned by the public. Businesses in which the public has a special interest are railroads, gas and electric systems, waterworks, telegraphs, and telephones. In fact the interest of the public is so great that these are called public utilities, and where the businesses are managed by companies these are called public service companies.

Railroads. The most important business of this kind is the railroad business. Authority to engage in this is given by the state. A railroad company has the power to condemn land for its railroad system the same as a state or city. Every member of the public is entitled to railroad service. The control of such a business belongs to the legislature, but the power to do the actual work is

given in the state to the board of railroad commissioners. This is done in practically all of the states.

In North Dakota these commissioners, upon complaints or at their own instance, must investigate the service which the railroads give, and can order tracks or depots built, trains run, stops made, particular service given, and can fix the rates which shall be charged for any service rendered wholly within the state under certain conditions. Regulations and orders are made after hearings, and orders made must be obeyed. These regulations relate only to the business done entirely inside the state.

Interstate Commerce Commission. A large part of the business of the railroads consists of commerce between the states, that is, of shipments or carriage from one state into another. To regulate this commerce the interstate commerce commission was created by act of congress in 1887. This has become a body with great responsibility. It determines what service shall be given in interstate commerce and what rates shall be charged by the roads engaged in that business. The supervision of this body extends to all kinds of transportation of persons, commodities, or news between the states.

Public Management. During the World War the railroads became so important in the carrying of troops and supplies for the army that most of them were taken over for management by the government. Many thought this a test of government ownership, but the conditions were so unusual that this view is not considered quite fair. There were great deficits in the earnings of the roads under government control, which were made up by appropriations. These results were so unfavorable

that much sentiment developed against government ownership. Since then the roads have been returned to the companies.

Other Public Utilities. We have already mentioned some of the other businesses in which the public has an interest. To these may be added sleeping car companies and express companies. These, with the telegraphs and telephones, also are regulated in the state by the board of railroad commissioners, and in interstate business, as we have seen, by the interstate commerce commission. The electric light, gas, and water supply utilities are local and are exclusively in the control of the state government. In North Dakota they are under the control of the board of railroad commissioners the same as other utilities we have noticed, so their service is regulated, their rates are fixed, and their equipment is controlled and changed, upon order of this board.

Municipal Ownership. It is urged by some that we should have telegraphs and telephones owned and managed by the government the same as the post office. These utilities are owned by the government in some countries, but the sentiment in favor of it is not very strong in our country. Some cities own their own gas plants, and electric light systems now, and nearly all have their own water supply. It is claimed that the service is better where these utilities are city owned, and that generally there is satisfaction with the scheme. A criticism against public ownership is its lack of efficiency. That is, it is said the business is not conducted in a businesslike way as it is where it is privately owned. The problem is one receiving much attention.

Business Corporations. Corporations may be formed for purposes fixed by law upon the conditions which the law states. One of these conditions in this state is that reports must be made each year to the secretary of state. Failure to do this is cause to cancel the company's charter. In most states now, including North Dakota, it is required that when sales of stock are to be made the permission of certain commissioners must be received to prevent defrauding the public. Very many corporations have been organized for the purpose of selling stock and the money received has been spent by those who organized them without ever giving anything in return. Corporations are much more closely supervised by the state than formerly.

Insurance Business. Insurance business may be carried on only with the permission of the state. In each case a plan to engage in this business must be examined and authorized by the insurance commissioner. The investment of the capital must meet his approval, and the company's books must be examined by him. He also approves the forms of insurance policies which are issued, and he licenses the agents so that the public will be protected against contracts that are unfair, and against the representations of those who are dishonest.

Banking Business. There are two kinds of banks, state and national. A state bank is one which receives its charter from the state. The amount of capital stock is fixed by the charter. The money can be invested only in accordance with the law, and the interest rate can not exceed ten per cent. The law fixes the duties of the officers of banks and states what powers the directors

shall have. Reports must be given to the public as they are called for by the bank examiner.

National banks are authorized by the national government and are under the control, as we have seen, of the comptroller of the currency. Examinations of these banks are made from time to time so that if there are any irregularities in them they can be corrected. The purpose in all this regulation is to protect the public against dishonest practices, so that money can be deposited with a feeling of safety.

Guaranty of Bank Deposits. This state has undertaken to protect the public by creating a fund out of which to pay the depositors of a bank which fails. This fund comes from an assessment made upon each of the state banks doing business in the state. The fund has reached a considerable amount, but it has been learned that where a great many failures occur a long period of time will be necessary to care for the depositors of all. The law was copied from other states, the first state which adopted it being Oklahoma.

Federal Reserve Banks. The federal government maintains a system of federal reserve banks, twelve in number, established in widely scattered cities of the country. The purpose of these banks is to aid the national banks and other banks which are members of the system and to reduce the danger of business panic. These banks are under the control of the federal reserve board.

War Finance Corporaton. Under an act of congress the war finance corporation was first organized during the World War to lend financial assistance to persons or corporations whose operations were necessary or con-

tributory to the prosecution of the war. Since the close of the war the purpose has been changed to making loans to persons or corporations engaged in exporting domestic products to foreign countries, and to financing stock raising and agriculture under certain conditions.

Federal Farm Loan Banks. There is organized under the department of the treasury a federal farm loan board which administers the farm loan act. There are twelve farm loan banks under which farm loan associations are organized. Loans are made to farmers on their lands on a plan by which a little of the principal is paid each time they pay the interest.

Building and Loan Associations. Another form of organization in which the public frequently is asked to invest is a building and loan association. This is calculated to enable people of small means to own their own homes and pay for them on a monthly payment plan. In order that they may be protected in the investments which they make the state supervises their business by making examinations of such associations so that any dishonest practices may be made known and corrected.

United States Shipping Board. In 1916 congress authorized the organization of the United States shipping board to encourage, develop, and create a naval auxiliary, naval reserve, and a merchant marine to meet the requirements of the commerce of the United States, and to regulate the ships engaged in commerce by water between the states and with foreign countries very much as the interstate commerce commission regulates railroads engaged in such commerce. This board organized the emergency fleet corporation in 1917 to purchase and construct mer-

chant vessels to engage in the sea-going commerce of the United States.

Prevention of Trusts. The law of this state and of most other states prohibits unfair competition and the unlawful combination of great corporations so as to force out of business smaller concerns which cannot compete with them. The purpose of the government is to give every man engaged in a business an equal chance with every other, though his capital may be much smaller than that of others.

The federal government has established a federal trade commission which investigates unlawful combinations and cases of unfair competition which arise in commerce carried on between the states. This commission can make orders which stop such practices and was formed to relieve the courts of the great number of cases which in recent times had been brought to prevent the formation of trusts, and the use of unfair methods of competition. The commission, however, is not a court and if one of its orders is not obeyed it calls upon the circuit court of appeals to enforce the order.

Industries by the State. Our own state has undertaken certain industrial enterprises under the management of the industrial commission. This commission consists of the governor, attorney-general, and commissioner of agriculture and labor, and they have the power to manage and control all industrial enterprises and business projects which may be established by the state.

The state has established a state bank, which was organized to encourage and promote agriculture, commerce, and industry in the state by engaging in the business of

banking. One purpose of this bank was to provide for the making of farm loans to farmers of the state. For a time all of the public corporations of the state were required to deposit the public funds in the bank, but this law has been amended so that these corporations may deposit their funds in other banks.

Other state enterprises are a proposed terminal elevator and a mill at Grand Forks and a mill at Drake. The purpose of these has been to make it possible to store the grain of farmers until the market conditions improve so they can sell to advantage and to improve the marketing conditions by having flour manufactured by the state.

Another state enterprise under the control of this board is the home-building association organized to provide modest homes for residents of the state. This is conducted somewhat like a building and loan association, the home being built under the supervision of the industrial commission and the buyer or owner paying for it by making monthly payments. These enterprises are newly organized and are still in the stage of experiment.

SUPPLEMENTARY NOTES AND STUDIES

1. Why should business in which the public is said to have an interest be regulated by the public?
2. Do you think it would be safe to let public utilities fix such rates as they think best? Why?
3. What is the difference between commerce between the states and commerce within the states?
4. Does the village or city in which you live own its electric light plant? If not, do you think it should?
5. Does your city or village own its water supply? Should it do so? Why?
6. Do you think that a system of private banks would be preferable to a system of state-controlled banks? Why?
7. Give arguments for, and against, the guaranty of bank deposits.

CHAPTER XXXI

OUR RELATIONS WITH OTHER COUNTRIES

Foreign Affairs. Our dealings with other countries are called foreign or diplomatic relations. These dealings are governed by what is called international law, that is, the law that applies in transactions between nations. It consists of the principles and customs and usages of nations and has been built up by the leading nations in their dealings with each other and through agreements which have been made in congresses of nations. In part it consists of treaties which have been entered into.

In these dealings our nation has representatives in other countries and other countries have representatives at Washington. When differences arise they are settled by agreement, if possible. It is our business as a nation to keep out of the quarrels of other nations where they do not concern the rights of our people.

Treaties. A treaty is an agreement between two or more nations. Treaties in this country, we have seen, are made by the president, but the making of them is managed by him largely through the secretary of state. And after they are made, or negotiated, as the transaction is described, they must be ratified by a two-thirds vote of the senate and signed by the president before they become effective. When a treaty is agreed upon it is signed by the

negotiators, and if it is ratified by the necessary authorities in both countries it takes effect as a binding agreement, and then becomes a part of the law of our nation which we must obey. Sometimes nations ignore agreements, as Germany did at the outbreak of the World War when its ministers called the treaty with Belgium a "scrap of paper," but they are called to account for it just as was done with Germany.

When war is waged between nations a treaty is negotiated at the close of hostilities. Usually this is done by special representatives, who are known as peace commissioners. At the close of each of our great foreign wars we have had peace commissioners selected by the president. The largest peace conference of modern times was that held at Paris at the close of the World War. Usually these conferences are held at some city of a neutral nation, but this was not feasible with the Paris conference.

The subjects of ordinary treaties which are made are boundary lines, territory, extradition, commerce and navigation, weights and measures, mail, copyrights, patents, and arbitration. Several of our important treaties have related to territory. These were made with France, Spain, Great Britain, Mexico, and Russia. A great deal of our territory was acquired by treaty.

Many treaties also have been made regarding extradition with leading nations. Formerly if a criminal escaped to a foreign country he was safe. The police could not go there to arrest him. Hence extradition treaties were made so that a criminal could be returned from one country to another to receive the punishment he might deserve.

Postal treaties are made to permit the sending of mail from one country to another. These, as we have seen, are negotiated by the postmaster-general. Many also relate to navigation, commerce, and tariffs. Copyright, patent, and trade-mark treaties protect those who are interested in their rights in foreign countries.

Representatives of Nations. Communications of our government with foreign governments are made through the secretary of state, who directs our foreign affairs for the president. It is provided by our treaties with foreign countries that we shall exchange representatives so that our interests may be looked after in foreign nations, and the interests of foreign nations looked after here by men especially qualified for that work. One of these diplomatic representatives acts for his government at public functions, transmits messages from the home government, helps to make treaties, keeps his government informed of conditions in the foreign country in which he is stationed which will affect the interests of his own country, and generally does whatever is necessary to see that his country is fully protected in the enjoyment of its rights as a nation.

A representative in a foreign country must not take part in the politics of that country nor express an opinion upon political questions, nor do anything which is offensive to the foreign government. If the foreign government is offended by any of his acts his passports are given to him and he is asked to return to his home government. He must be properly treated, by the government to which he is sent, otherwise war might be caused.

The diplomatic representative of highest rank is am-

bassador. Our government exchanges officers of this rank with a number of the leading foreign nations. The next rank is envoy extraordinary and minister plenipotentiary. Officers with this title are exchanged with certain other of the less important countries. The next in order is minister resident. Our principal representative in each country has a number of subordinates associated with him, including in most cases an officer from the army and one from the navy. The diplomatic representatives of foreign countries in the capital of a nation are called the "diplomatic corps."

Consuls. Besides our diplomatic representatives in foreign countries we have consuls who are commercial agents. They are not representatives of the government in the diplomatic service at all. It is their work to look after the interests of private business. They give the value of goods shipped from the country in which they are stationed to our own country, look after estates there in which our people are interested, take depositions, and certify deeds. They report the amount of foreign commerce and its character and the values it represents, help travelers, and hold court and try cases for citizens of our country. Consuls are sent into cities and their jurisdiction is limited to these, rather than to the nation to which they are assigned. Travelers in foreign countries must have passports issued by the state department to identify them and secure their rights as citizens. The consuls help them secure protection in these rights.

Declaration of War. If differences between nations cannot be settled, war is declared. This results usually from the denial of some right by one nation to another.

In cases where war is to be declared a minimum time is usually given by each of the countries for the citizens of the other country to leave its borders. The diplomatic representatives are safeguarded to some vessel on which they can return in safety to their own country. Many remedies are proposed to stop warfare between nations, and we shall consider some of these.

Arbitration. The arbitration of differences has been discussed for many years. The purpose is to settle disputes between nations in much the same way as lawsuits are settled between individuals. The Czar of Russia proposed a great international conference in 1889 at which the Hague Tribunal was organized. Its purpose was to make a world court to settle disputes. Some cases have been settled there. The difficulty has been that cases can be submitted there only by agreement of the nations.

Arbitration treaties were made by our country with a large number of other countries in 1913, but these were to be in effect only for a few years so they did not accomplish much in favor of world peace.

Another plan to settle disputes is to have a league of nations. Provisions were made for such a league in the peace treaty which was prepared at the Paris peace conference at the close of the World War. This was ratified by most of the warring countries, but it was rejected by the United States senate.

Disarmament. It is proposed by some to accomplish the purpose planned for the league of nations by disarming the nations which have navies and standing armies. It is thought that if the means with which to wage war could not be so readily called into service nations would be

much less likely to engage in strife of this kind. A conference of the leading nations, called by the president, met in Washington, in November, 1921. Here several treaties were negotiated to remove possible causes of war, and one providing for the limitation of the principal navies of the world.

World Peace. Since the World War no one questions the need of international peace. There is great waste in maintaining expensive military and naval establishments. The soldiers who are kept in the military service are merely policemen. It is our duty as citizens to create all the sentiment we can in favor of international peace which at the same time will permit each nation to remain entirely independent and to have its rights as a nation thoroughly respected and protected.

SUPPLEMENTARY NOTES AND STUDIES

1. Resolved, That the league of nations treaty should have been ratified by the United States.
2. Resolved, That our standing army should disband and naval ships be used for commerce.
3. By what treaty was the territory in which you live made a part of the United States?
4. Should the diplomatic service be taken out of politics? Why?
5. What do you think of entering the consular service as a life work?
6. Name the countries to which we send ambassadors and from which ambassadors are sent here. Name our ambassadors to Great Britain, France, and Germany.
7. Why should extradition treaties be made with other countries?
8. Is our country prepared for war at the present time? If not, do you think it should be? Why?

CHAPTER XXXII

SOME AFTER WORDS

Introductory. It is plain that if the several local, state, and national governments which we have considered are what the people make them, their success and permanence will depend upon the attitude of the people toward them. We do our work best when we are in sympathy with what we try to accomplish, and look forward eagerly to the results to be attained. This is as true of the work of citizenship as of that of the household, shop, or farm. We shall look at some of the particulars in which a sympathetic and helpful attitude as citizens is most important.

Faith in Government. If we would have our nation endure we must have faith in its government. And why should we not have faith in it? We have seen that it is what the people make it. It has the powers they give it. Its basis is the constitution they have approved. Whenever they have found new conditions demanding changes in the constitution, these changes have been made. When laws no longer suit the purposes for which they were made, they may be amended or repealed. Then recurring elections make possible desired shifts in our representatives in office. So when a wrong appears in law, or its administration, it is possible for the people always to correct it. The power is theirs. By a process of edu-

cation changes have been accomplished repeatedly and until public opinion demands a change with such force that a majority at the polls support the proposed change the majority are satisfied with conditions as they are. Certainly it would be wrong to have the minority, the smaller number, determine for the majority, the larger number, what their government shall be. The rule of the majority is right in principle so long as all men are equal, and that idea is the very basis of our government. One man's vote, poor or rich, ignorant or learned, counts as much as another's. It is possible to bring about changes in a simple and orderly fashion. In a government which responds so readily to the wishes of a majority, revolution has no place.

Regard for the Oath. Our courts exist to get at the truth in controversies. You have seen that in suits witnesses are examined. Their examination is on oath. If a witness takes an oath to tell the truth and then tells what is not true, he commits a crime punishable by imprisonment in the penitentiary. You can see that if men do not regard the oath they take it means that the courts fail to get at the truth and this means failure altogether to do the thing for which they exist.

In order that you may make no mistake if you as a witness should take an oath in court, or on some legal paper, or as an officer, we shall see what an oath is. It is a promise made by calling on God to witness what you say. It is a pledge by the person taking it that his promise is made under the sense of his responsibility to God. In taking the oath one says in effect that he calls upon God to witness that what he is to say is true and that if he

says what is false he believes that God will punish him for his falsehood. You see then that the taking of an oath is a solemn act. Perhaps many have disregarded it because they did not know what it means. Remember when you take the oath that you are making a promise to God and that you believe if you break that promise you will be punished for what you have done.

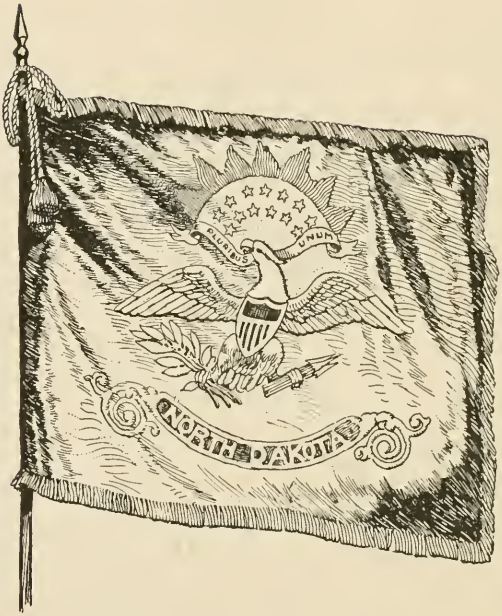
Respect for the Flag. The flag is the emblem of our nation and stands for all that our nation is and means. As President Wilson said, it "does not express a mere body of vague sentiment." It is not merely a piece of cloth nor of color. It embodies the history of our nation. It stands for all the experience of our people, and should speak to us of the struggle for liberty long before independence was declared, and of the making of the constitution, and of wars and territorial expansion, and education and inventions and discoveries and new industries and national growth and progress. It should be to us a sign of all that our country has become. If it is that, we shall respect it for it will then be a sacred thing to us.

We can hardly show proper respect for the flag if we do not know how to use it. There is no law upon this except one which prohibits a trade-mark consisting of it, and its use for advertising purposes. The war department has regulations which are generally used and these we should observe. Briefly these are as follows. It should be hoisted not earlier than sunrise and should be lowered at sunset. On Memorial Day and similar occasions, it is displayed at half staff from sunrise until noon, and at full staff from noon until sunset. It is al-

ways hoisted to the top of the pole and then lowered to half-staff position. It should be displayed by being suspended from the flag pole only in the regular way. For purposes of decoration only may it be used as bunting, and this use is very much discouraged. When so used it should be hung flat whether on the outside or inside of buildings, with the union at the left (as seen by the observers) if the flag is horizontal, but at the right if hung vertically as a banner. If hung in an open space, the union should be to the north or east. Under no circumstances may it be hung where it can be easily soiled, it never is draped over chairs or benches for seating purposes, and no object or emblem must be placed over it. There is no objection to flying it at night if not for advertising purposes.

If several emblems are displayed, the flag should always be hoisted first, and it remains at the top. It always has the place of honor in any parade. When the colors pass in a parade men and boys, if walking, should halt, and if sitting, rise and stand at attention and uncover. The flag salute should be learned by all. It is as follows: "I pledge allegiance to my flag, and the Republic for which it stands, one Nation indivisible, with Liberty and Justice for all." When the national flag and other flags fly together, the national flag should be on the right. On a bier or casket at a funeral, place the stars at the head. Never allow the flag to touch the ground.

The state flag was officially adopted by legislative act in 1911. It formerly was the flag of the territorial militia and was carried by the First North Dakota volunteers in the Philippines through thirty-seven engagements.



The State Flag of North Dakota

Observe Patriotic Occasions. If we are sincerely patriotic we will observe fittingly days which commemorate great events or lives in the history of our country. There has been a tendency to make such days as Independence Day, and even Memorial Day, days of frolic and sport. Independence Day commemorates the most important event in our national history, and it should be observed by taking account of the blessings which we enjoy as a people because of the great step taken by our forefathers. So with Washington's birthday, Lincoln's birthday, Memorial Day, Armistice Day,

and any other days which may be appointed as significant because of the commemoration of some life or event important in our history. Our sympathetic and helpful attitude can best be shown by observing the day so as to emphasize that for which it stands. On these occasions it would be well to engage in such exercises as were common during the days of the great World War when the people of a neighborhood assembled and engaged in community singing of patriotic songs and heard discussions suitable to the occasion.

Our national anthem, *The Star-Spangled Banner,* has never been specified by any federal law as the national anthem. The army and navy regulations, however, have designated it as the national air and it has been so recognized. Its words and music should be known by every school boy and girl, and every citizen of the land. While it is played or sung all should stand uncovered. It is the practice in the army and navy for all officers and enlisted men to stand at attention facing the music from the time the first note of the air is played until the last is reached.

Singing patriotic airs and taking part in patriotic occasions help to make us feel more a part of our government, and the more we feel thus the more determined we will be so to perform our duties that our government will endure.

BIBLIOGRAPHY

BRYCE: *American Commonwealth*
GARNER: *Government in the United States*
ASHLEY: *American Government*
FISKE: *Civil Government of the United States*
WADE AND RUSSELL: *The Short Constitution*
GREENE: *Foundations of American Nationality*
FISH: *Development of American Nationality*
ATWOOD: *Back to the Republic*
HARRISON: *This Country of Ours*
CHANNING: *Students' History of the United States*
MCMASTER: *History of the People of the United States*
GREEN: *Short History of the English People*
The North Dakota Blue Book
The Congressional Directory
Year Books

Bulletins and publications of the following offices and institutions:

Agricultural College, Fargo, N. D.
State University, Grand Forks, N. D.
Department of Agriculture, Washington, D. C.
Bureau of Public Roads, Washington, D. C.
American Civic Association, Washington, D. C.
Superintendent of Public Instruction, Bismarck, N. D.
State Board of Health
Congressional Record

News items and magazine articles concerning taxes, official acts of officers, and activities of the government, national, state, or local, should be used.

CONSTITUTION OF THE UNITED STATES

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.—The Congress.

Section I. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives.

Sec. II. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers,[1] [which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons]. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[1] The clause included in brackets is amended by the fourteenth amendment.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Sec. III. The senate of the United States shall be composed of two senators from each state, chosen[2] [by the legislature thereof] for six years; and each senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of the president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the president of the United States is tried the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

Sec. IV. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by

[2] This clause is superseded by the seventeenth amendment.

the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sec. V. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior and, with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house during the session of congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. VI. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

Sec. VII. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representa-

tives and the senate, shall, before it becomes a law, be presented to the president of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to consider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment), shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Sec. VIII. The congress shall have the power:

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense, and general welfare of the United States: but all duties, imposts, and excises shall be uniform throughout the United States.

To borrow money on the credit of the United States.

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

To coin money, regulate the value thereof, and of foreign coin, and fix the standards of weights and measures.

To provide for the punishment of counterfeiting the securities and current coin of the United States.

To establish post offices and post roads.

To promote the progress of science and useful arts, by securing

for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

To constitute tribunals inferior to the supreme court.

To define and punish piracies and felonies committed on the high seas and offenses against the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by congress.

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square), as may be cession of particular states, and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Sec. IX. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation or other direct tax shall be laid unless in proportion

to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Sec. X. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and the net produce of all duties and imposts laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

No state shall, without the consent of the congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—The Executive.

Section I. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress, but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[Paragraph omitted here was superseded by the twelfth amendment.]

The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen or a citizen of the United States at the time of the adoption of this constitution shall be eligible to the office of president, neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president; and the congress may, by law, provide for the case of removal, death, resignation, or inability, both of the president and the vice president, declaring what officer shall then act as president and such officers shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability, preserve, protect, and defend the constitution of the United States."

Sec. II. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the

duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

Sec. III. He shall from time to time give to the congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Sec. IV. The president, vice president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.—The Judiciary.

Section I. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Sec. II. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United

States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

Sec. III. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

ARTICLE IV.—The States and Territories.

Section I. Full faith and credit shall be given in each state, to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Sec. II. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on

demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Sec. III. New states may be admitted by the congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the congress.

The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Sec. IV. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.—Amendments.

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which in either case, shall be valid, to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.—Miscellaneous Business.

All debts contracted and engagements entered into before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.—Ratification.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America, the twelfth.

In witness whereof, we have hereunto subscribed our names.

Go: Washington, Presdt.
And Deputy from Virginia.

New Hampshire.

John Langdon, Nicholas Gilman.

Massachusetts.

Nathaniel Gorham, Rufus King.

Connecticut.

Wm. Saml. Johnson, Roger Sherman.

New York.

Alexander Hamilton.

New Jersey.

Wil: Livingston, Wm. Patterson,
David Brearley, Jona. Dayton.

Pennsylvania.

B. Franklin, Geo: Clymer,
Tho: Fitzsimons, Jared Ingersoll,
Robt. Morris, James Wilson,
Thomas Mifflin, Gouv: Morris.

Delaware.

Geo. Read, Richard Bassett,
Gunning Bedford, Jun., Jaco. Broom.
John Dickinson,

Maryland.

Dan of St. Thos. Jennifer, Daniel Carroll.
James McHenry,

Virginia.

John Blair, James Madison, Jun.

North Carolina.

William Blount, Hu. Williamson.
Richard Dobbs Spaight,

South Carolina.

J. Rutledge, Charles Pinckney,
Chas. Cotesworth Pinckney, Pierce Butler.

Georgia.

William Few, Abr. Baldwin.

Attest: William Jackson, Secretary.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia, when in actual service in time of war or public danger, nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the constitution nor prohibited by it to the states, are reserved to the states respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII.

The electors shall meet in their respective states, and vote by ballot for president and vice president, one of whom, at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president; and in distinct ballots the person voted for as vice president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall in presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the

states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice president shall be the vice president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice president; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice president of the United States.

ARTICLE XIII.

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Sec. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participa-

tion in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Sec. 3. No person shall be a senator or representative in congress, or elector of president or vice president, or hold any office civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection, or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may by a vote of two thirds of each house, remove such disability.

Sec. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services, in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Sec. 5. The congress shall have power to enforce by appropriate legislation, the provisions of this article.

ARTICLE XV.

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state, on account of race, color, or previous condition of servitude.

Sec. 2. The congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI.

The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

ARTICLE XVII.

The senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall

have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancies; provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the constitution.

ARTICLE XVIII.

Sec. 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Sec. 2. The congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by congress.

ARTICLE XIX.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

STATE CONSTITUTION

[The following are excerpts from the state constitution of North Dakota. The entire constitution, with its many amendments, contains a great deal of matter that will not be considered in the ordinary study of civics. It is very important, however, that each school should have handy for reference the entire constitution of the state, with all of its amendments. For this reason the Blue Book, published by the secretary of state, should be in each school library. Such Blue Books contain the entire constitution with its amendments, together with other documents which are discussed in this book.]

We the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this constitution.

ARTICLE I.—Declaration of Rights.

Section 1. All men are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property and reputation; and pursuing and obtaining safety and happiness.

Sec. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.

Sec. 3. The State of North Dakota is an inseparable part of the American union, and the constitution of the United States is the supreme law of the land.

Sec. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall be forever guaranteed in this state, and no person shall be rendered incompetent to be a witness or juror on account of his opinion on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

Sec. 5. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require.

Sec. 6. All persons shall be bailable by sufficient sureties, unless

[1] Adopted Oct. 1, 1889; yeas, 27,441; nays, 8,107.

for capital offenses, when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor be confined in any room where criminals are actually imprisoned.

Sec. 7. The right of trial by jury shall be secured to all, and remain inviolate; but a jury in civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law.

Sec. 8. Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate, or abolish the grand jury system.

Sec. 9. Every man may freely write, speak, and publish his opinions on all subjects, being responsible for the abuse of that privilege. In all civil and criminal trials for libel the truth may be given in evidence, and shall be sufficient defense when the matter is published with good motives and for justifiable ends; and the jury shall have the same power of giving a general verdict as in other cases; and in all indictments or informations for libels the jury shall have the rights to determine the law and the facts under the direction of the court, as in other cases.

Sec. 10. The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of government for the redress of grievances, or for other proper purposes, by petition, address, or remonstrance.

Sec. 11. All laws of a general nature shall have a uniform operation.

Sec. 12. The military shall be subordinate to the civil power. No standing army shall be maintained by this state in time of peace, and no soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Sec. 13. In criminal prosecutions in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf; and to appear and defend in person and with counsel.

No person shall be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law.

Sec. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to, or paid into court for the owner and no right of way shall be appropriated to the use of any corporation, other than municipal, until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived.

Sec. 15. No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases of tort; or where there is strong presumption of fraud.

Sec. 16. No bill of attainder, or ex post facto law, or law impairing the obligations of contracts shall ever be passed.

Sec. 17. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

Sec. 18. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Sec. 19. Treason against the state shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

Sec. 20. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.

Sec. 21. The provisions of this constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise.

Sec. 22. All courts shall be open and every man for any injury done him in his lands, goods, person, or reputation shall have remedy

by due process of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the state in such manner, in such courts, and in such cases as the legislative assembly may, by law, direct.

Sec. 23. Every citizen of this state shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor.

Sec. 24. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

ARTICLE II.—Legislative Department.

Sec. 25 (in Article 2 as Amended by Article 15 of Amendment). The legislative power of this state shall be vested in a legislature consisting of a senate and a house of representatives. The people, however, reserve the power, first, to propose measures and to enact or reject the same at the polls; second, to approve or reject at the polls any measure or any item, section, part, or parts of any measure enacted by the legislature.

The first power reserved is the initiative. Ten thousand electors at large may propose any measure by initiative petition. Every such petition shall contain the full text of the measure and shall be filed with the secretary of state not less than ninety days before the election at which it is to be voted upon.

The second power reserved is the referendum. Seven thousand electors at large may, by referendum petition, suspend the operation of any measure enacted by the legislature, except an emergency measure. But the filing of a referendum petition against one or more items, sections, or parts of any measure, shall not prevent the remainder from going into effect. Such petition shall be filed with the secretary of state not later than ninety days after the adjournment of the session of the legislature at which such measure was enacted.

Each measure initiated by or referred to the electors, shall be submitted by its ballot title, which shall be placed upon the ballot by the secretary of state and shall be voted upon at any state-wide

election designated in the petition, or at a special election called by the governor. The result of the vote upon any measure shall be canvassed and declared by the board of canvassers.

Any measure, except an emergency measure, submitted to the electors of the state, shall become a law when approved by a majority of the votes cast thereon. And such law shall go into effect on the 30th day after the election, unless otherwise specified in the measure.

If a referendum petition is filed against an emergency petition such measure shall be a law until voted upon by the electors. And if it is then rejected by a majority of the votes cast thereon, it shall be thereby repealed. Any such measure shall be submitted to the electors at a special election if so ordered by the governor, or if the referendum petition filed against it shall be signed by thirty thousand electors at large. Such special election shall be called by the governor, and shall be held not less than one hundred nor more than one hundred thirty days after the adjournment of the session of the legislature.

The secretary of state shall pass upon each petition, and if he finds it insufficient, he shall notify the "committee for the petitioners" and allow twenty days for correction or amendment. All decisions of the secretary of state in regard to any such petition shall be subject to review by the supreme court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it.

No law shall be enacted limiting the number of copies of a petition which may be circulated. Such copies shall become part of the original petition when filed or attached thereto. Nor shall any law be enacted prohibiting any person from giving or receiving compensation for circulating the petitions, nor in any manner interfering with the freedom in securing signatures to petitions.

Each petition shall have printed thereon a ballot title, which shall fairly represent the subject matter of the measure, and the names of at least five electors who shall constitute the "committee for the petitioners" and who shall represent and act for the petitioners.

All measures submitted to the electors shall be published by the

state as follows: "The secretary of state shall cause to be printed and mailed to each elector a publicity pamphlet, containing a copy of each measure together with its ballot title, to be submitted at any election. Any citizen, or the officers of any organization, may submit to the secretary of state for publication in such pamphlet, arguments concerning any measure therein, upon first subscribing their names and addresses thereto and paying the fee therefor, which, until otherwise fixed by the legislature, shall be the sum of two hundred dollars per page."

The enacting clause of all measures initiated by the electors shall be: "Be it enacted by the people of the State of North Dakota." In submitting measures to the electors, the secretary of state and all other officials shall be guided by the election laws until additional legislation shall be provided.

If conflicting measures initiated by or referred to the electors shall be approved by a majority of the votes cast thereon, the one receiving the highest number of affirmative votes shall become the law.

The word "measure" as used herein shall include any law or amendment thereto, resolution, legislative proposal, or enactment of any character.

The veto power of the governor shall not extend to the measures initiated by or referred to the electors. No measure enacted or approved by a vote of the electors shall be repealed or amended by the legislature, except upon a yea and nay vote upon roll call of two thirds of all the members elected to each house.

This section shall be self-executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no laws shall be enacted to hamper, restrict, or impair the exercise of the rights herein reserved to the people.

Sec. 26. The senate shall be composed of not less than thirty or more than fifty members.

Sec. 27. Senators shall be elected for the term of four years, except as hereinafter provided.

Sec. 28. No person shall be a senator who is not a qualified elector in the district in which he may be chosen, and who shall not have attained the age of twenty-five years, and have been a resident of the state or territory for two years next preceding his election.

Sec. 29. The legislative assembly shall fix the number of senators, and divide the state into as many senatorial districts as there are

senators, which districts, as nearly as may be, shall be equal to each other in the number of inhabitants entitled to representation. Each district shall be entitled to one senator and no more, and shall be composed of compact and contiguous territory; and no portion of any county attached to any other county, or part thereof, so as to form a district. The districts as thus ascertained and determined shall continue until changed by law.

Sec. 30. The senatorial districts shall be numbered consecutively from one upwards, according to the number of districts prescribed, and the senators shall be divided into two classes. Those elected in the districts designated by even numbers shall constitute one class, and those elected in districts designated by odd numbers shall constitute the other class. The senators in one class elected in the year 1890 shall hold their office for two years, those of the other class shall hold their office four years, and the determination of the two classes shall be by lot, so that one half of the senators, as nearly as practicable, may be elected biennially.

Sec. 31. The senate at the beginning and close of each regular session, and at such other times as may be necessary, shall elect one of its members president pro tempore, who may take the place of the lieutenant governor under rules prescribed by law.

Sec. 32. The house of representatives shall be composed of not less than sixty nor more than one hundred and forty members.

Sec. 33. Representatives shall be elected for the term of two years.

Sec. 34. No person shall be a representative who is not a qualified elector in the district from which he may be chosen, and who shall not have attained the age of twenty-one years, and have been a resident of the state or territory for two years next preceding his election.

Sec. 35. The members of the house of representatives shall be apportioned to and elected at large from each senatorial district. The legislative assembly shall, in the year 1895, and every tenth year, cause an enumeration to be made of all the inhabitants of this state, and shall at its first regular session after each enumeration, and also after each federal census, proceed to fix by law the number of senators which shall constitute the senate of North Dakota, and the number of representatives which shall constitute the house of representatives of North Dakota, within the limits prescribed by this constitution, and at the same session shall proceed to

reapportion the state into senatorial districts, as prescibed by this constitution, and to fix the number of members of the house of representatives to be elected from the several senatorial districts; provided, that the legislative assembly may, at any regular session, redistrict the state into senatorial districts and apportion the senators and representatives respectively.

Sec. 36. The house of representatives shall elect one of its members as speaker.

Sec. 37. No judge or clerk of any court, secretary of state, attorney-general, register of deeds, sheriff or person holding any office of profit under this state, except in the militia, or the office of attorney at law, notary public, or justice of the peace, and no person holding any office of profit or honor under any foreign government, or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of $300, shall hold any office in either branch of the legislative assembly or become a member thereof.

Sec. 38. No member of the legislative assembly expelled for corruption, and no person convicted of bribery, perjury, or other infamous crime, shall be eligible to the legislative assembly, or to any office in either branch thereof.

Sec. 39. No member of the legislative assembly shall, during the term for which he was elected, be appointed or elected to any civil office in this state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected; nor shall any member receive any civil appointment from the governor, or governor and senate, during the term for which he shall have been elected.

Sec. 40. If any person elected to either house of the legislative assembly shall offer or promise to give his vote or influence in favor of, or against, any measure or proposition pending or proposed to be introduced into the legislative assembly, in consideration, or upon conditions, that any other person elected to the same legislative assembly will give or will promise or assent to give, his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such legislative assembly, the person making such offer or promise shall be deemed guilty of solicitation or bribery. If any member of the legislative assembly shall give his vote or influence for or against any measure or proposition, pending or proposed to be introduced into such legislative

assembly, or offer, promise, or assent so to do upon condition that any other member will give, promise or assent to give his vote or influence in favor of or against any other such measure or proposition pending or proposed to be introduced into such legislative assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such legislative assembly, he shall be deemed guilty of bribery. And any person, member of the legislative assembly or person elected thereto, who shall be guilty of either such offenses, shall be expelled, and shall not thereafter be eligible to the legislative assembly, and on the conviction thereof, in the civil courts, shall be liable to such further penalty as may be prescribed by law.

Sec. 41. The term of service of the members of the legislative assembly shall begin on the first Tuesday in January, next after their election.

Sec. 42. The members of the legislative assembly shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to or returning from the same. For words used in any speech or debate in either house, they shall not be questioned in any other place.

Sec. 43. Any member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member and shall not vote thereon without the consent of the house.

Sec. 44. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislative assembly.

Sec. 45. Each member of the legislative assembly shall receive as a compensation for his services for each session, five dollars per day, and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly on the most usual route.

Sec. 46. A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such a manner and under such a penalty as may be prescribed by law.

Sec. 47. Each house shall be the judge of the election returns and the qualifications of its own members.

Sec. 48. Each house shall have the power to determine the rules of proceeding, and punish its members or other persons for con-

tempt or disorderly behavior in its presence; to protect its members against violence or offers of bribes or private solicitation, and with the concurrence of two thirds, to expel a member; and shall have all other powers necessary and usual in the legislative assembly of a free state. But no imprisonment by either house shall continue beyond thirty days. Punishment for contempt or disorderly behavior shall not bar a criminaf prosecution for the same offense.

Sec. 49. Each house shall keep a journal of its proceedings, and the yeas and nays on any question shall be taken and entered on the journal at the request of one sixth of those present.

Sec. 50. The sessions of each house and of the committee of the whole shall be open unless the business is such as ought to be kept secret.

Sec. 51. Neither house shall, without the consent of the other, adjourn for more than three days nor to any other place other than that in which the two houses shall be sitting, except in the case of epidemic, pestilence, or other great danger.

Sec. 52. The senate and house of representatives jointly shall be designated as the legislative assembly of the state of North Dakota.

Sec. 53. The legislative assembly shall meet at the seat of government at twelve o'clock noon on the first Tuesday after the first Monday in January, in the year next following the election of the members thereof.

Sec. 54. In all elections to be made by the legislative assembly, or either house thereof, the members shall vote viva voce, and their votes shall be entered in the journal.

Sec. 55. The sessions of the legislative assembly shall be biennial, except as otherwise provided in this constitution.

Sec. 56. No regular session of the legislative assembly shall exceed sixty days, except in case of impeachment, but the first session of the legislative assembly may continue for a period of one hundred and twenty days.

Sec. 57. Any bill may originate in either house of the legislative assembly, and a bill passed by one house may be amended by the other.

Sec. 58. No law shall be passed, except by a bill adopted by both houses, and no bill shall be so altered and amended on its passage through either house as to change its original purpose.

Sec. 59. The enacting clause of every law shall be as follows: "Be it enacted by the Legislative Assembly of the State of North Dakota."

Sec. 60. No bill for the appropriation of money, except for the expenses of the government, shall be introduced after the fortieth day of the session, except by unanimous consent of the house in which it is sought to be introduced.

Sec. 61. No bill shall embrace more than one subject, which shall be expressed in its title, but a bill which violates this provision shall be invalidated thereby only as to so much thereof as shall not be so expressed.

Sec. 62. The general appropriation bill shall embrace nothing but appropriations for the expenses of the executive, legislative, and judicial departments of the state, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 63. Every bill shall be read through several times, but the first and second readings, and those only, may be upon the same day; and the second reading may be by title of the bill unless a reading at length be demanded. The first and third readings shall be at length. No legislative day shall be shorter than the natural day.

Sec. 64. No bill shall be revised or amended, nor the provisions thereof extended or incorporated in any other bill by reference to its title only, but so much thereof as is revised, amended, or extended or so incorporated shall be re-enacted and published at length.

Sec. 65. No bill shall become a law except by a vote of a majority of all the members-elect in each house, nor unless, on its final passage, the vote be taken by yeas and nays, and the names of those voting be entered on the journal.

Sec. 66. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislative assembly; immediately before such signing their title shall be publicly read and the fact of signing shall be at once entered on the journal.

Sec. 67 in Article 2 as amended by Article 27 of Amendments. No act of the legislative assembly shall take effect until July first after the close of the session, unless the legislature by a vote of two thirds of the members present and voting, in each house, shall declare it an emergency measure, which declaration shall be set

forth in the act, *provided,* however, that no act granting a franchise or special privilege, or act creating any vested right or interest other than in the state, shall be declared an emergency measure. An emergency measure shall take effect and be in force from and after its passage and approval by the Governor.

Sec. 68. The legislative assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

Sec. 69. The legislative assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

1. For granting divorces.
2. Laying out, opening, altering, or working roads or highways, vacating roads, town plats, streets, alleys, or public grounds.
3. Locating or changing county seats.
4. Regulating county or township affairs.
5. Regulating the practice of courts of justice.
6. Regulating the jurisdiction and duties of justices of the peace, police magistrates, or constables.
7. Changing the rules of evidence in any trial or inquiry.
8. Providing for change of venue in civil or criminal cases.
9. Declaring any person of age.
10. For limitation of civil actions, or giving effect to informal or invalid deeds.
11. Summoning or impaneling grand or petit juries.
12. Providing for the management of common schools.
13. Regulating the rate of interest on money.
14. The opening or conducting of any election or designating the place of voting.
15. The sale or mortgage of real estate belonging to minors or others under disability.
16. Chartering or licensing ferries, toll bridges, or toll roads.
17. Remitting fines, penalties, or forfeitures.
18. Creating, increasing, or decreasing fees, percentages, or allowances of public officers.
19. Changing the law of descent.
20. Granting to any corporation, association, or individual the right to lay down railroad tracks or any special or exclusive privilege, immunity, or franchise whatever.
21. For the punishment of crimes.
22. Changing the names of persons or places.
23. For the assessment or collection of taxes.

24. Affecting estates of deceased persons, minors or others under legal disabilities.

25. Extending the time for collection of taxes.

26. Refunding money into the state treasury.

27. Relinquishing or extinguishing in whole or in part the indebtedness, liability, or obligation of any corporation or person to this state or to any municipal corporation therein.

28. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

29. Exempting property from taxation.

30. Restoring to citizenship persons convicted of infamous crimes.

31. Authorizing the creation, extension, or impairing of liens.

32. Creating offices, or prescribing the powers or duties of officers in counties, cities, townships, election or school districts, or authorizing the adoption or legitimation of children.

33. Incorporation of cities, towns, or villages, or changing or amending the charter of any town, city, or village.

34. Providing for the election of members of the board of supervisors in townships, incorporated towns, or cities.

35. The protection of game or fish.

SEC. 70. In all other cases where a general law can be made applicable, no special law shall be enacted; nor shall the legislative assembly indirectly enact such special or local law by the partial repeal of a general law, but laws repealing local or special acts may be passed.

ARTICLE III.—Executive Department.

SEC. 71. The executive power shall be vested in a governor, who shall reside at the seat of government and shall hold his office for the term of two years and until his successor is elected and duly qualified.

SEC. 72. A lieutenant governor shall be elected at the same time and for the same term as governor. In case of the death, impeachment, resignation, failure to qualify, absence from the state, removal from office, or the disability of the governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted or the disability removed, shall devolve upon the lieutenant governor.

SEC. 73. No person shall be eligible to the office of governor or lieutenant governor unless he be a citizen of the United States, and a qualified elector of the state, who shall have attained the age of thirty years, and who shall have resided five years next preceding

election within the state or territory, nor shall he be eligible to any other office during the term for which he shall have been elected.

Sec. 74. The governor and lieutenant governor shall be elected by the qualified electors for the state at the time and places of choosing members of the legislative assembly. The persons having the highest number of votes for governor and lieutenant governor respectively shall be declared elected, but if two or more shall have an equal and highest number of votes for governor or lieutenant governor, the two houses of the legislative assembly at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for governor and lieutenant governor shall be made in such manner as shall be prescribed by law.

Sec. 75. The governor shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress insurrection, and repel invasion. He shall have power to convene the legislative assembly on extraordinary occasions. He shall at the commencement of each session communicate to the legislative assembly by message, information of the condition of the state, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislative assembly and shall take care that the laws be faithfully executed.

Sec. 76. The governor shall have power in conjunction with the board of pardons, of which the governor shall be ex officio a member and the other members of which shall consist of the attorney general of the state of North Dakota, the chief justice of the supreme court of the state of North Dakota, and two qualified electors who shall be appointed by the governor, to remit fines and forfeitures, to grant reprieves, commutations, and pardons after conviction for all offenses except treason and cases of impeachment; but the legislative assembly may by law regulate the manner in which the remission of fines, pardons, commutations, and reprieves may be applied for. Upon conviction of treason the governor shall have the power to suspend the execution of sentence until the case shall be reported to the legislative assembly at its next regular session, when the legislative assembly shall either pardon or commute the sentence, direct the execution of the sentence, or grant further

reprieve. The governor shall communicate to the legislative assembly at each regular session each case of remission of fine, reprieve, commutation, or pardon granted by the board of pardons, stating the name of the convict, the crime for which he is convicted, the sentence and its date and the date of remission, commutation, pardon, or reprieve, with their reasons for granting the same.

Sec. 77. The lieutenant governor shall be president of the senate, but shall have no vote unless they be equally divided. If, during a vacancy in the office of the governor, the lieutenant governor shall be impeached, displaced, resign, or die, or from mental or physical disease, or otherwise become incapable of performing the duties of his office, the secretary of state shall act as governor until the vacancy shall be filled or the disability removed.

Sec. 78. When any office shall from any cause become vacant, and no mode is provided by the constitution or law for filling such vacancy, the governor shall have the power to fill such vacancy by appointment.

Sec. 79. Every bill which shall have passed the legislative assembly shall, before it becomes a law, be presented to the governor. If he approves, he shall sign, but if not, he shall return it with his objections, to the house in which it originated, which shall enter his objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two thirds of the members-elect shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two thirds of the members-elect, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law unless the legislative assembly, by its adjournment, prevent its return, in which case it shall be a law unless he shall file the same with his objections in the office of the secretary of state within fifteen days after such adjournment.

Sec. 80. The governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items

and part or parts disapproved shall be void, unless enacted in the following manner: If the legislative assembly be in session he shall transmit to the house in which the bill originated a copy of the item or items or part or parts thereof disapproved, together with his objections thereto, and the items or part objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

Sec. 81. Any governor of this state who asks, receives, or agrees to receive, any bribe upon any understanding that his official opinion, judgment, or action, shall be influenced thereby, or who gives or offers or promises his official influence in consideration that any member of the legislative assembly shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislative assembly, or who threatens any members that he, the said governor, will remove any person or persons from office or position, with intent in any manner to influence the action of said member, shall be punished in the manner now, or that may hereafter be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this state.

Sec. 82. There shall be chosen by the qualified electors of the state, at the times and places of choosing members of the legislative assembly, a secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, three commissioners of railroads, an attorney-general, and one commissioner of agriculture and labor, who shall have attained the age of twenty-five years, shall be citizens of the United States, and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government, for the term of two years and until their successors are elected and duly qualified, but no person shall be eligible to the office of treasurer for more than two consecutive terms.

Sec. 83. The powers and duties of the secretary of state, auditor,

treasurer, superintendent of public instruction, commissioner of insurance, commissioners of railroads, attorney-general, and commissioner of agriculture and labor shall be as prescribed by law.

SEC. 84. Until otherwise provided by law, the governor shall receive an annual salary of three thousand dollars; the lieutenant governor shall receive an annual salary of one thousand dollars; the secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, commissioner of railroads, and attorney-general shall each receive an annual salary of two thousand dollars; the salary of the commissioner of agriculture and labor shall be as prescribed by law, but the salaries of any of the said officers shall not be increased or diminished during the period for which they shall have been elected, and all fees and profits arising from any of the said offices shall be covered into the state treasury.

ARTICLE IV.—Judicial Department.

SEC. 85. The judicial power of the state of North Dakota shall be vested in a supreme court, district courts, county courts, justices of the peace, and in such other courts as may be created by law for cities, incorporated towns, and villages.

SEC. 86. The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state and shall have a general superintending control over all inferior courts under such regulations and limitations as may be prescribed by law.

SEC. 87. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and such other original and remedial writs as may be necessary to the proper exercise of its jurisdiction, and shall have authority to hear and determine the same; provided, however, that no jury shall be allowed in said supreme court, but in proper cases questions of fact may be sent by said court to a district court for trial.

SEC. 88. Until otherwise provided by law three terms of the supreme court shall be held each year, one at the seat of government, one at Fargo in the county of Cass, and one at Grand Forks, in the county of Grand Forks.

SEC. 89. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum or pronounce

a decision, but one or more of said judges may adjourn the court from day to day or to a day certain, *provided,* however, that in no case shall any legislative enactment or law of the state of North Dakota be declared unconstitutional unless at least four of the judges shall so decide.

SEC. 90. The judges of the supreme court shall be elected by the qualified electors of the state at large, and except as may be otherwise provided herein for the first election for judges under this constitution, said judges shall be elected at general elections.

SEC. 91. The term of office of the judges of the supreme court, except as in this article otherwise provided, shall be six years, and they shall hold their offices until their successors are duly qualified.

SEC. 92. The judges of the supreme court shall, immediately after the first election under this constitution, be classified by lot so that one shall hold his office for the term of three years, one for the term of five years, and one for the term of seven years from the first Monday in December, A. D. 1889. The lots shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of the territory and filed in his office, unless the secretary of state of North Dakota shall have entered upon the duties of his office, in which event said certification shall be filed therein. The judge having the shortest term to serve, not holding his office by election or appointment to fill a vacancy, shall be chief justice and shall preside at all terms of the supreme court, and in case of his absence the judge having in like manner the next shortest term to serve shall preside in his stead.

SEC. 93. There shall be a clerk and also a reporter of the supreme court, who shall be appointed by the judges thereof, and who shall hold their offices during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law and by rules of the supreme court not inconsistent with law. The legislative assembly shall make provision for the publication and distribution of the decisions of the supreme court and for the sale of the published volumes thereof.

SEC. 94. No person shall be eligible to the office of judge of the supreme court unless he be learned in law, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this state or the territory of Dakota three years next preceding his election.

Sec. 95. Whenever the population of the state of North Dakota shall equal 600,000 the legislative assembly shall have the power to increase the number of the judges of the supreme court to five, in which event a majority of said court, as thus increased, shall constitute a quorum.

Sec. 96. No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.

Sec. 97. The style of all process shall be "The State of North Dakota." All prosecutions shall be carried on in the name and by the authority of the State of North Dakota, and conclude "against the peace and dignity of the State of North Dakota."

Sec. 98. Any vacancy happening by death, resignation, or otherwise in the office of judge of the supreme court shall be filled by appointment, by the governor, which appointment shall continue until the first general election thereafter, when said vacancy shall be filled by election.

Sec. 99. The judges of the supreme and district courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected.

Sec. 100. In case a judge of the supreme court shall be in any way interested in a cause brought before said court the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause.

Sec. 101. When a judgment or decree is reversed or confirmed by the supreme court every point fairly arising upon the record of the case shall be considered and decided, and the reasons therefor shall be concisely stated in writing, signed by the judges concurring, filed in the office of the clerk of the supreme court, and preserved with a record of the case. Any judge dissenting therefrom may give the reasons of his dissent in writing over his signature.

Sec. 102. It shall be the duty of the court to prepare a syllabus of the points adjudicated in each case, which shall be concurred in by a majority of the judges thereof, and it shall be prefixed to the published reports of the case.

Sec. 103. The district courts shall have original jurisdiction, except as otherwise provided in this constitution, of all causes both at law and equity, and such appellate jurisdiction as may be con-

ferred by law. They and the judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, quo warranto, certiorari, injunction, and other original and remedial writs, with authority to hear and determine the same.

Sec. 107. No person shall be eligible to the office of district judge, unless he be learned in law, be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided within the state or territory of Dakota at least two years next preceding his election, nor unless he shall at the time of his election be an elector within the judicial district for which he is elected.

Sec. 108. There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected by the qualified electors of the county, and shall hold his office for the same term as other county officers. He shall receive such compensation for his services as may be prescribed by law.

Sec. 109. Writs of error and appeals may be allowed from the decisions of the district courts to the supreme court under such regulations as may be prescribed by law.

ARTICLE V.—Elective Franchise.

Sec. 121. Every person of the age of twenty-one years or upwards, belonging to either of the following classes who shall have resided in the state one year and in the county ninety days and in the precinct thirty days next preceding any election shall be a qualified elector at such election. First, citizens of the United States; second, civilized persons of Indian descent who shall have severed their tribal relation two years next preceding such election.

Sec. 122. The legislative assembly shall be empowered to make further extensions of suffrage hereafter, at its discretion, to all citizens of mature age and sound mind, not convicted of crime, without regard to sex; but no law extending or restricting the right of suffrage shall be in force until adopted by a majority of the electors of the state voting at a general election.

Sec. 123. Electors shall in all cases except treason, felony, breach of the peace, or illegal voting, be privileged from arrest on the days of election during their attendance at, going to and returning from such election, and no elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

SEC. 124. The general elections of the state shall be biennial, and shall be held on the first Tuesday after the first Monday in November; provided, that the first general election under this constitution shall be held on the first Tuesday after the first Monday in November, A. D. 1890.

SEC. 125. No elector shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state or in the military or naval service of the United States.

SEC. 126. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of his being stationed therein.

SEC. 127. No person who is under guardianship, non compos mentis, or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony, unless restored to civil rights.

SEC. 128. Any woman having the qualifications enumerated in section 121 of this article, as to age, residence, and citizenship, and including those now qualified by the laws of the territory, may vote for all school officers, and upon all questions pertaining solely to school matters, and be eligible to any school office.

SEC. 129. All elections by the people shall be by secret ballot subject to such regulations as shall be provided by law.

ARTICLE VIII.—Education.

SEC. 147. A high degree of intelligence, patriotism, integrity, and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provisions for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control. The legislative requirements shall be irrevocable without the consent of the United States and the people of North Dakota.

SEC. 148. The legislative assembly shall provide, at its first session after the adoption of this constitution, for a uniform system for free public schools throughout the state, beginning with the primary and extending through all grades up to and including the normal and collegiate course.

SEC. 149. In all schools instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.

SEC. 150. A superintendent of schools for each county shall be elected every two years, whose qualifications, duties, powers, and compensation shall be fixed by law.

SEC. 151. The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study, and to promote industrial, scientific, and agricultural improvements.

SEC. 152. All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.

ARTICLE XIV.—Impeachment and Removal from Office.

SEC. 194. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

SEC. 195. All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation to do justice according to the law and evidence. No person shall be convicted without the concurrence of two thirds of the members elected. When the governor or lieutenant governor is on trial the presiding judge of the supreme court shall preside.

SEC. 196. The governor and other state and judicial officers except county judges, justices of the peace, and police magistrates, shall be liable to impeachment for habitual drunkenness, crimes, corrupt conduct, or malfeasance, or misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of trust or profit under state. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

SEC. 197. All officers not liable to impeachment, shall be subject to removal for misconduct, malfeasance, crime, or misdemeanor in

office, or for habitual drunkenness or gross incompetency in such manner as may be provided by law.

Sec. 198. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

Sec. 199. On trial of impeachment against the governor, the lieutenant governor shall not act as a member of the court.

Sec. 200. No person shall be tried on impeachment before he shall have been served with a copy thereof, at least twenty days previous to the day set for trial.

Sec. 201. No person shall be liable to impeachment twice for the same offense.

ARTICLE XV.—Future Amendments.

Section 202 in Article 15 as amended by Article 16 of Amendments. Any amendment or amendments to the Constitution of the state may be proposed in either house of the legislature, and if the same shall be agreed to upon roll call by a majority of the members elected to each house it shall be submitted to the electors and if a majority of the votes cast thereon are affirmative, such amendment shall be a part of this constitution.

Amendments to the constitution of the state may also be proposed by initiative petition of the electors; such petition shall be signed by twenty thousand of the electors at large and shall be filed with the secretary of state at least one hundred twenty days prior to the election at which they are to be voted upon, and any amendment or amendments so proposed shall be submitted to the electors and shall become a part of the constitution, if a majority of the votes cast thereon are affirmative. All provisions of the constitution relating to the submission and adoption of measures by initiative petition and on referendum petition, shall apply to the submission and adoption of amendments to the constitution of the state.

ARTICLE XIX.—Public Institutions.

Sec. 215. The following public institutions of the state are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the act of congress approved February 22nd, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe subject

to the limitations provided in the article on school and public lands contained in this constitution.

First: The seat of government at the City of Bismarck in the County of Burleigh.

Second: The State University and the School of Mines at the City of Grand Forks, in the County of Grand Forks.

Third: The Agricultural College at the City of Fargo, in the County of Cass.

Fourth: A State Normal School at the City of Valley City, in the County of Barnes, and the legislative assembly, in apportioning the grant of eighty thousand acres of land for normal school made in the act of congress referred to shall grant to the said Normal School at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.

Fifth: The School for the Deaf and Dumb of North Dakota at the City of Devils Lake, in the County of Ramsey.

Sixth: The State Training School at the City of Mandan, in the County of Morton.

Seventh: A State Normal School at the City of Mayville, in the County of Traill, and the legislative assembly in apportioning the grant of lands made by congress in the act aforesaid for State Normal Schools shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.

Eighth: A State Hospital for the Insane at the City of Jamestown, in the County of Stutsman. And the legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the act of congress aforesaid for other educational and charitable institutions to the benefit and for the endowment of said institution, and there shall be located at or near the City of Grafton, in the County of Walsh, an institution for the Feeble Minded, on the grounds purchased by the Secretary of the Interior for a Penitentiary building.

ARTICLE XX.—Prohibition.

Sec. 217. No person, association, or corporation shall within this state, manufacture for sale or gift, any intoxicating liquors, and no person, association, or corporation shall import any of the same for sale or gift, or keep or sell or offer the same for sale, or gift, barter,

or trade as a beverage. The legislative assembly shall by law prescribe regulations for the enforcement of the provisions of this article and shall thereby provide suitable penalties for the violation thereof.

ARTICLE XXXIII.—Recall.

The qualified electors of the state or of any county, or of any congressional, judicial, or legislative district may petition for the recall any elective congressional, state, county, judicial, or legislative officer by filing a petition with the officer with whom the petition for nomination to such office in the primary election is filed, demanding the recall of such officer. Such petition shall be signed by at least thirty per cent. of the qualified electors who voted at the preceding election for the office of governor in the state, county, or district from which such officer is to be recalled. The officer with whom such petition is filed shall call a special election to be held not less than forty or more than forty-five days from the filing of such petition.

The officer against whom such petition has been filed shall continue to perform the duties of his office until the result of such special election shall have been officially declared. Other candidates for such office may be nominated in the manner as is provided by law in primary elections. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term. The name of the candidate against whom the recall petition is filed shall go on the ticket unless he resigns within ten days after the filing of the petition. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected. This article shall be self executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict, or impair the right of recall.

INDEX

Accused persons, 34-44
Administrative departments, United States, 158
Agricultural fairs, 257
Agriculture, department of, 166
Alaska, courts of, 177
Aliens, 11
Ambassadors, 280
Amendments to the constitution, national, 139; state, 98
American roads, 213
America's Creed, 21
Americans, duties of, 51
Appeal, 208
Arbitration, 282
Articles of Confederation, 132
Assembly, state, 100
Assessments, 263
Athenian Oath, 51
Attorney-general, state, 109; United States, 162
Auditor, state, 109
Australian ballot, 187

Bail, right of, 49, 206
Ballots, 187
Banking, 273
Bank deposits, guaranty of, 274
Banks, federal reserve, 274
Beauty, civic, 220, 250
Bill in legislature, 103; in congress, 147
Bill of attainder, 42
Bill of Rights, American, 17; English, 17; state, 19
Blind, care of, 203
Board of education, 74
Board of health, 222
Boston Tea Party, 126
Branches of government, 7
Budget system, 112
Building and loan association, 275
Business corporations, 273

Cabinet, 158
Campaign, political, 185
Capitol, state, 96
Census, 169
Charters, English, 16, 120
Checks and balances, 136
Chemistry, bureau of, 167
Children, care of certain classes, 244
Children's bureau, 170
Children's home, 244
Circuit court of appeals, 177
Cities, government of, 86-93; commission system, 89; purposes of, 87; how organized, 87; officers, 88; streets in, 220
Citizens and citizenship, 11-20; definition, 11; duties of, 51-61; rights of, 30
City government, 86
City manager, 91

Civic beauty, 220, 250
Civil service, 112, 171
Claims, court of, 176
Clinics, 231
Colonial conditions, 120
Colonies, government of, 132
Commerce, department of, 168
Commission government, city, 89
Commissioner of Indian affairs, 166
Commissioner of patents, 166
Commissioner of agriculture and labor, 109
Commissioner of insurance, 109
Commissioners, city, 89; county, 80
Committees, in legislature, 102; in congress, 147
Community centers, 249
Compromises, constitution, 135
Comptroller of currency, 160
Compulsory education, 195
Congress, Continental, 126
Congress, Stamp Act, 125
Congress, United States, 142-150; how organized, 142; powers, 149; committees, 147; regulations, 146
Congressional library, 171
Constitution, state, 97; amendments, 98
Constitution, United States, adoption, 136; making, 131-141; ratification, 137; amendments, 139; preparation for, 131
Constitutional Convention, United States, 133; state, 66, 97
Consuls, United States, 281
Contagious diseases, 224
Continental Congress, 126
Contracts, obligation of, 48
Corporation taxes, 268
Corporations, business, 273
Corrupt practices, 185
County commissioners, 80
County government, 78-83
County, how organized, 79
County nurses, 231
County officers, 81
County, origin of, 78
Courts, inferior, 115; state district, 117; county, 116; United States, 173; proceedings in, 205-211; claims, 176; customs appeals, 176
Criminals, prosecution of, 205; extradition of, 209
Customs appeals, court of, 176

Deaf, school for, 203
Declaration of Independence, 129
Declaration of intention, 14
Declaration of war, 281
Defectives, care of, 243
Delinquents, care of, 244
Democracy, defined, 6
Department of justice, 162
Departments, executive, 158
Dependents, care of, 243
Direct primary, 172
Disarmament, 282
Diseases, contagious, 224
District of Columbia, courts of, 176
District Court, federal, 176
District Court, state, 117
Drainage and sewage, 227
Due process, 48
Dwelling, security of, 28

Education, compulsory, 195; necessity for, 192; special instruction, 196; taxation for, 202; bureau of, 166
Educational system, 192-204
Elections, 184
Electoral college, 153
Employment bureau, 258
English charters, 16
Equal protection, 48
Evening schools, 198
Executive department, state, 107-114; United States, 151-172
Ex post facto laws, 42
Extradition, 209

Factories, inspection of, 239
Fairs, agricultural, 257
Farmers' institutes, 257
Federal aid for roads, 217
Federal farm loan banks, 275
Federal provision for delinquents, 244
Federal reserve bank, 274
Federal system, 8
Federal trade commission, 172
Feeble-minded, care of, 246
Fire protection, 234
Fires, loss by, 234
Fisheries, bureau of, 169
Flag, 286
Food inspection, 229
Foreign affairs, 278-284
Free speech and press, 23

Garbage, disposal of, 226
General welfare and health, 222
Geological survey, 166
Good roads, importance of, 213
Government, what it is, 1-10; necessity for, 3; defined, 3; functions, 4; economy in, 268; faith in, 284
Governor, 107
Great charter, 16
Guaranty of bank deposits, 274

Habeas corpus, 43, 209
Harbors, 33
Health, 222
Health officers, 222
Health service, United States, 224
Highway commission, 216
Historical sketch, 62-68
Historical society, 67
Hospitals, 230
House of representatives, state, 117
House of representatives, United States, 144; rules of, 146; committees of, 147

Immigration, bureau of, 169; regulation of, 241
Impeachment, 113, 149
Inauguration of president, 155
Income tax, 265
Independence, conditions leading to, 120-130
Independence Hall, 128
Indian affairs, commissioner of, 166
Indians, occupation by, 62
Indictment, 277
Information by state's attorney, 206
Initiative, 92, 105
Inheritance tax, 266
Insane, hospital for, 247
Institutions of higher learning, 200

Insurance, regulation, 273
Interior, department of, 165
Internal revenue, 267
Interstate commerce commission, 171, 271
Irrigation service, 166

Judges, state, 116, 117, 118; United States, 176, 177, 178
Judicial department, state, 115; United States, 173
Jury, trial by, 32
Justice, department of, 162
Justices of peace, 115

Labor, department of, 169
Labor regulations, 240
Law making in congress, 147
Law making in state, 103
Legislative department, United States, 142-150
Legislature, state, 100; how organized, 101; powers, 102
Lewis and Clark expedition, 63
Libraries, 255
Library of congress, 171
Licenses, 267
Lieutenant governor, 108
Life saving service, 238

Magna Charta, 16
Mail service, 163
Making constitution, United States, 131-141
Markets, 258
Mayor, 89
Mines, bureau of, 166
Mines, inspection of, 239
Minimum wage, 240
Ministers to foreign countries, 281
Mints, United States, 160
Municipal government, 84
Municipal ownership, 272
Museums, 255

National government, 120-180
Naturalization, 13
Naturalization, bureau of, 169
Naval academy, 165
Navy department, 164
Neglected children, 244
New Jersey plan, 135
Nominations, state and county officers, 181-191; president United States, 152

Oath, sacredness of, 285
Obedience to law, 59
Officers of state, 108
Ordinances, city, 88

Pan-American Union, 171
Parcel post, 163
Parks and playgrounds, 250
Patents, bureau of, 166
Patriotism, 288
Penitentiary, state, 246
Pensions, 166
Petition of Rights, 17
Petty offenses, 208
Plant industry, bureau of, 167
Platform, party, 152
Playgrounds, 249
Police protection, 236
Political parties, 182
Poll tax, 267
Poor, care of, 245
Postage, 163
Postmaster general, 162
Post office department, 162
Preamble to the constitution, 1

Preliminary examination, 206
Preparation for union, 121
President, how chosen, 151; qualifications, 153; term, 153; inauguration, 155; powers, 155; appointments, 156; how elected, 153
Primary election, 184
Principles of government, 53
Privileges and immunities, 49
Proceedings in court, 205-211
Property rights, 45-50
Protection, fire, 234; traffic, 237; life saving service, 238
Public management of utilities, 271
Public officers, selection of, 181-191
Public ownership, 270-277
Public questions, 54
Public schools, idea of, 193
Public utilities, 272

Quorum, state legislature, 101; congress, 143

Railroad commissioners, 110
Railroads, 270
Railroads, regulation of, 271
Recall, 113
Recreation, 249, 250
Referendum, 96, 105
Regulation of business, 270-277
Religious equality, 22
Representative government, 6
Representative, state, 100; congress, 144
Republic, defined, 7
Right of assembly, 25
Right of petition, 26
Right to bear arms, 27
Road building, 212, 215
Roads, cost of, 216; federal aid for, 217; American, 213; history of road building, 212; kinds of construction, 218; maintenance, 219; how laid out, 219; beautifying, 220

Sanitation, 226
School districts, 73, 75, 76
School of mines, 259
School officers, 75
Schools, free public, 193; evening, 198; surroundings, 252; money for, 202; special, 203
Search and seizure, 28
Secretary of agriculture, 166
Secretary of commerce, 168
Secretary of interior, 165
Secretary of labor, 169
Secretary of navy, 164
Secretary of state, state, 108; United States, 159
Secretary of treasury, 160
Secretary of war, 161
Self-dependence, 58
Senate, state, 101
Senate, United States, 143; organization, 144; powers, 144; regulations, 146
Service of country, 60
Servitude, involuntary, 41
Sessions of congress, 142
Sewage and drainage, 227
Shipping board, United States, 275
Short ballot, 113
Smithsonian Institution, 171
Stamp Act, 125
State auditor, 109

State boards, 110
State constitution, 66, 97
State department, United States, 159
State government, 94-99; origin, 94; functions, 96; powers and duties, 95
Statehood, 66
State industries, 276
State parks, 251
Streets, 220
Superintendent of public instruction, 109
Supreme court, state, 118; United States, 178
Swimming pool, 252

Tariff, 267
Taxation, 261-269; history of, 261
Taxes, need of, 261; amount, how determined, 263; how levied, 262; how collected, 265; income, 265; inheritance, 265; license, 267; poll, 267
Teachers, 198; qualifications, 199; training, 199; insurance for, 199
Territorial history, 64-66
Town meetings, 69, 72
Township, congressional, 70
Township government, 69-73
Township officers, 72
Trachoma hospital, 230
Trade commission, federal, 172
Traffic regulations, 237
Training school, 246
Treasurer, state, 109
Treasury department, 160
Treaties, 278
Trees and plants, 252
Trees, how to plant, 254
Trial by jury, 32, 207
Trusts, prevention of, 276
Tuberculosis sanitarium, 231

United States public health service, 224

Verdict, 208
Vice president, 154
Villages, how organized, 84; officers of, 85
Virginia plan, 134
Vital statistics, 232
Vocational education, 196
Voting, how done, 187; qualifications for, 186

War department, 161
War finance corporation, 274
War risk insurance, bureau of, 160
Water supply, 228
Weather bureau, 167
West Point military academy, 162
Witnesses, compulsory attendance, 39
Witnesses to confront accused, 38
Women's bureau, 170
Workmen's compensation, 241
World peace, 283

THE NEW YORK PUBLIC LIBRARY
REFERENCE DEPARTMENT

This book is under no circumstances to be taken from the Building

form 410